

# **Environmental Impact Report** for the **Long Point Resort Project**

## **RESPONSE TO COMMENTS ON THE REVISED BIOLOGICAL RESOURCES SECTION**



*Prepared for:*  
**City of Rancho Palos Verdes**

*Prepared by:*  
**RBF Consulting**



# **VOLUME V**

## **RESPONSE TO COMMENTS on the REVISED BIOLOGICAL RESOURCES SECTION of the FINAL ENVIRONMENTAL IMPACT REPORT for the**

### **LONG POINT RESORT PROJECT**

(General Plan Amendment No. 28, Coastal Permit No. 166,  
Conditional Use Permit Nos. 215 & 216,  
Tentative Parcel Map No. 26073, Grading Permit Nos. 2229 & 2230)

State Clearinghouse #2000071076

#### **LEAD AGENCY:**

##### **City of Rancho Palos Verdes**

Department of Planning, Building and Code Enforcement  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, California 90275  
Contact: Mr. Ara Mihranian, AICP  
(310) 544-5228  
aram@rpv.com

#### **PREPARED BY:**

##### **RBF Consulting**

14725 Alton Parkway  
Irvine, California 92718  
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(949) 472-3505

September 24, 2001

JN 10-034194

# 1.0 RESPONSE TO COMMENTS

## A. INTRODUCTION

The City of Rancho Palos Verdes is the Lead Agency under the California Environmental Quality Act (CEQA) and is responsible for preparing Volume IV of the Long Point Resort Project Environmental Impact Report (EIR) (State Clearinghouse No. 2000071076), *Revised Biological Resources Section*.

The Long Point Resort Project Draft EIR was circulated for public review from February 6, 2001 to April 6, 2001. After public notice was given, the City of Rancho Palos Verdes determined that additional public review was warranted for Section 5.3 of the Draft EIR, *Biological Resources*. The additional public review was due to textual clarifications resulting from public comments on the Draft EIR and spring survey data compiled concurrently with the Draft EIR review period. This determination was based on CEQA Guidelines Section 15088.5, Recirculation of an EIR Prior to Certification, which states the following:

- *A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.*
- *If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.*

Volume IV, *Revised Biological Resources Section*, was prepared to include the new biological resources information. Volume IV was subject to a 30-day public review period by responsible and trustee agencies and interested parties which occurred from August 1, 2001 to August 30, 2001. Further, in accordance with the provisions of Sections 15085(a) and 15087(a)(1) of the CEQA Guidelines, the City of Rancho Palos Verdes, serving as the Lead Agency, accomplished the following:

- Published a Notice of Availability (NOA) of Volume IV in the Palos Verdes Peninsula News (a newspaper of general circulation);
- Forwarded via the Internet a NOA of Volume IV to all list serve subscribers to the City's website;
- Prepared and transmitted a Notice of Completion (NOC) to the State Clearinghouse (proof of publication is available at the City Hall); and

- Forwarded a copy of Volume IV, *Revised Biological Resources Section*, to all responsible and trustee agencies and interested parties.

This Comments and Responses Section (Volume V) consists of the comments (written and oral) received during the public review period followed by their corresponding response. Typically, added or modified text is shaded (example) while deleted text is struck out (example). However, it should be noted that the comments received during the 30-day public review period resulted in no revisions to Volume IV, *Revised Biological Resources Section*. It should further be noted that the responses are limited to comments raising significant biological resources issues consistent with CEQA Guidelines Section 15088.5(f)(2) which states the following:

*“When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that the reviewers limit their comments to the revised chapters or portions. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated.”*

The responses to all comments (i.e., Section 5.3, *Biological Resources*, and others) received during the initial circulation period (February 6, 2001 to April 6, 2001) are included in Volume III, *Response to Comments on the Environmental Impact Report for the Long Point Resort Project*.

Pursuant to CEQA Guidelines, Section 15132, this Comments and Responses section (Volume V), the Revised Biological Resources Section (Volume IV), and the following shall make up the Final Program EIR (the following is an excerpt from Section 15132):

“The Final EIR shall consist of:

- (a) The Draft EIR or a version of the draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- (c) A list of persons, organizations and public agencies commenting on the Draft EIR.



- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.”

## **B. LIST OF COMMENTS**

### **WRITTEN COMMENTS**

1. California Coastal Commission
2. California Native Plant Society
3. County of Los Angeles Fire Department
4. Department of Transportation (8/6/01)
5. Department of Transportation (8/7/01)
6. Destination Development Corporation
7. Driskell, Rowland
8. Endangered Habitats League
9. Friedson, Dena
10. Knight, Jim
11. Sierra Club
12. Southern California Association of Governments
13. State of California, Governor's Office of Planning and Research

### **ORAL COMMENTS - AUGUST 28, 2001 PLANNING COMMISSION MEETING**

14. Sattler, Alfred
15. Sattler, Barbara





Gray Davis  
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse



Steve Nissen  
DIRECTOR

**ACKNOWLEDGEMENT OF RECEIPT**

**RECEIVED**

DATE: August 7, 2001

AUG 09 2001

TO: David Snow  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

PLANNING, BUILDING,  
& CODE ENFORCEMENT

RE: Long Point Resort Project (General Plan Amendment #28 Coastal Permit #166,  
Conditional Use Permit #215 & 216, Tentative Parcel Map # 26073 & Grading Permit  
SCH#: 2000071076

This is to acknowledge that the State Clearinghouse has received your environmental document  
for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: August 1, 2001  
Review End Date: August 30, 2001

We have distributed your document to the following agencies and departments:

California Coastal Commission  
California Highway Patrol  
Caltrans, District 7  
Department of Conservation  
Department of Fish and Game, Region 5  
Department of Housing and Community Development  
Department of Parks and Recreation  
Native American Heritage Commission  
Office of Historic Preservation  
Regional Water Quality Control Board, Region 4  
Resources Agency  
State Lands Commission  
State Water Resources Control Board, Division of Water Rights

The State Clearinghouse will provide a closing letter with any state agency comments to your  
attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.

# **WRITTEN COMMENTS**



**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



August 20, 2001

Mr. David Snow, AICP  
City of Rancho Palos Verdes  
Department of Planning, Building and Code Enforcement  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275

**RECEIVED**

AUG 21 2001

PLANNING, BUILDING,  
& CODE ENFORCEMENT

Project ID: SCH #200007106  
Long Point Resort Project EIR

Dear Mr. Snow:

The California Coastal Commission staff has reviewed the Draft Environmental Impact Report for the Long Point Resort Project consisting of 316 acres situated in the western portion of the City of Rancho Palos Verdes, Los Angeles County, California. The Long Point Resort Project is described as a multi-faceted destination resort that will consist of a public golf practice facility, a 9-hole public-use golf course, 100 general public parking spaces, two shoreline access ramps, seven public parks and overlooks, and 11.1 miles of public walking/hiking trails. The Resort Center will be a full-service resort hotel. Proposed project grading would remove approximately 2.1 acres of coastal sage scrub and approximately 2.7 acres of disturbed chenopod scrub. 0.10 acre of existing coastal bluff scrub would be removed from within the coastal zone. The project includes land inside and outside of the coastal zone.

Development inside the coastal zone requires an amendment to permit #A5-RPV-91-046, issued by the Coastal Commission, or a new coastal development permit from the City of Rancho Palos Verdes. Due to the lack of detail regarding the extent and location of the proposed development we cannot determine at this time whether an amendment to the previous coastal commission permit or a city approved coastal permit is necessary. A city issued coastal permit will be appealable to the California Coastal Commission. The standard of review for such an appeal would be Coastal Act Public Access and Recreation policies and the policies of the certified Local Coastal Program.

1A

Coastal Commission Review on Appeal of the Project Within the Coastal Zone

If the portion of the proposed project that is within the coastal zone is approved and subsequently appealed, it will be reviewed by the Coastal Commission for consistency with the following policies of the Coastal Act (in addition to the policies of the Local Coastal Program):

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

**Section 30211**

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

**Section 30212**

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

**Section 30220**

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

**Section 30222**

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

**Section 30223**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

1A

**Coastal Commission Federal Consistency Review of the Project Within the Coastal Zone**

Under the federal Coastal Zone Management Act (CZMA), an activity requiring a federal permit or license may trigger the requirement for the federal permit applicant to prepare a consistency certification evaluating the project's consistency with the California Coastal Management Program. In addition to the Coastal Commission's jurisdiction over appeals of locally approved projects, the Commission has the authority to review these consistency determinations. That standard for that review process is consistency with all of the policies in Chapter 3 of the Coastal Act. Cal. Pub. Res. Code §§ 30200 – 265.5.

In this case, the maintenance of public access to and along the bluffs is an important provision of the previous permit, the Certified LCP and the Coastal Act. The proposed project description indicates that the following public access will be provided in the Long Point Project: "two shoreline access ramps, seven public parks and overlooks, and 11.1 miles of public walking/hiking trails (linking visitor-serving areas of the Resort with public facilities within the surrounding area)". However, how and where these "public access" amenities will be situated is not described in detail in the draft. Thus, it is still a question of concern. 100 general parking spaces are also proposed in the project. Parking support is vital in this area. Sufficient parking to support the resort/golf course development as well as public parking must be provided for the project to be consistent with the certified LCP.



The Local Coastal Program requires that habitat values of a site be assessed and that any impacts be “fully offset”. In this case the EIR has identified environmentally sensitive habitat areas on the bluff face and tide-pools. These areas, at a minimum, have important habitat value that must be protected, and impacts offset. In evaluating permit appeals or amendments, the Commission would evaluate the methods and degree of habitat protection including measures to avoid the taking of habitat, to protect tide pools and other land resources. The courts have found removal of environmentally sensitive habitat inconsistent with section 30240 of the Coastal Act. See, e.g., Bolsa Chica Land Trust v. Superior Ct., 71 Cal. App. 4<sup>th</sup> 493, 507-08 (1999). In light of this court decision, the LCP policies regarding environmentally sensitive habitat must be interpreted to be as protective of such areas as is possible.. In essence the courts have found that it is difficult or impossible to fully offset removal of Environmentally Sensitive Habitat Areas. This may pose a serious issue.

1B

#### Coastal Commission Federal Consistency Review of the Project Outside the Coastal Zone

The Commission does not have permit authority over development outside of the coastal zone. However, as noted above, an activity requiring a federal permit or license may trigger the CZMA requirement for the federal permit applicant to prepare a consistency certification evaluating the project’s consistency with the California Coastal Management Program. The standard for such review is the policies of Chapter 3 of the California Coastal Act.

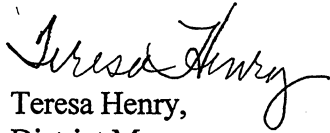
In this case, the activity may require an incidental take permit pursuant to Section 10 of the federal Endangered Species Act. In addition, the project will require the City of Rancho Palos Verdes to amend its program of utilization with the U.S. National Park Service, which is also a federal approval, which may make the proposed project subject to federal consistency review pursuant to the CZMA. The area inland of the coastal zone supports habitat for the California gnatcatcher, a federally listed threatened species. In addition, there are three habitat areas in the coastal zone that might be affected by loss of or impacts to this habitat. In Subregion 1 to the upcoast side of the project there is a reserve identified and dedicated in a previous coastal development permit action <sup>1</sup>. The Abalone Cove area supports California sage scrub and gnatcatcher habitat, and the EIR identified several nests on the bluff face of this property. Earlier comments made by the United States Fish and Wildlife Service (USFWS) indicate the habitat directly outside of the coastal zone may be a connecting link to other viable habitats that support the survival of these federally listed endangered species. Removal of this link could be a threat to the California gnatcatcher habitat in this portion of the coastal zone. If the connecting area is disrupted, it could have a negative impact on environmentally sensitive habitat in the adjacent coastal zone habitats. Therefore, the Commission staff believes that the activities outside of the coastal zone may affect coastal resources. We anticipate that the consistency review requirements of the CZMA will be triggered by the submittal of any application for a permit for an “incidental take” of species listed under the ESA or a request to amend the National Park Service approved program of utilization in the area outside of the coastal zone.

1C

<sup>1</sup> A5-92-RPV-123 (Hermes Development International, Inc.)

Thank you for the opportunity to comment on the Draft EIR for this project. If you have any concerns about these comments please feel free to contact Melissa Stickney or Pam Emerson at (562) 590-5071.

1C

A handwritten signature in cursive script, appearing to read "Teresa Henry".

Teresa Henry,  
District Manager  
California Coastal Commission  
Cc: State Clearinghouse



RECEIVED

## South Coast Chapter

AUG 30 2001

PLANNING, BUILDING,  
& CODE ENFORCEMENT

August 30, 2001

Ara Mihranian  
 City of Rancho Palos Verdes Planning Department  
 30940 Hawthorne Boulevard  
 Rancho Palos Verdes, CA 90275

Re: DEIR for the Long Point Project/Biological Resources

Dear Mr. Mihranian,

The South Coast Chapter of the California Native Plant Society had an opportunity to review Volume IV of the DEIR for the Long Point Project.

## 1. EXISTING CONDITIONS

- |    |  |    |
|----|--|----|
| a. | We are pleased that several more surveys have been completed and incorporated into this document. Interestingly, although the butterfly survey turned up a substantial number of ocean locoweed on Upper Point Vicente, the supposedly updated Fauna and Flora Compendium in the appendix still doesn't include this plant. Infact, except for the additional surveys and the "Preliminary Draft Natural Communities Management Plan" Volume IV basically includes the old information, occassionally re_worded. Therefore, many of our previously made comments to the biological resources are still valid.  | 2A |
| b. | We are especially disappointed that still no new focused special plant surveys have been done. The information about special plants should be available before any decision is being made. How else can impacts be minimized in form of avoidance? There was surely time to update also that information.  | 2B |
| c. | In addition the special plant species list was not updated as requested by us in our previous comments. The response to these comments stated that these species do not meet the criteria in the definition of Rare or Endangered in the CEQA guidelines. But, if only List B1 species "need" to be considered, why does the EIR include all this information about other special species? The answer is, that also List 2,3, and 4 species can be of local concern. In fact, the local Draft NCCP shows sensitive species , including Dichondra occidentalis and Calochortus catalinea, on a map titled "Vegetation and Sensitive Species". Why then is it that these sensitive species, growing on public property of the City of Rancho Palos Verdes, which repeatedly confirmed its dedication to the NCCP program, do not need to be considered in an EIR for a development for private profit? | 2C |
| d. | Please be informed that CNPS members not only found another location of Calochortus catalinea than previously known on Upper Point Vicente, but also a population of Dichondra occidentalis, of which we only know of two other populations on the Palos Verdes Peninsula. This species is not common on the Palos Verdes Peninsula. The evaluation of locally sensitive species needs to be   | 2D |

focused on the region of the Palos Verdes Peninsula due to its uniqueness and isolation from other larger habitat areas. The preparer of the DEIR obviously didn't want to find any more special plant species and in fact, even deleted a sentence on p. 5.3\_51 about other potentially present special plants, including the mariposa lily, even though we have previously noted that this species has been found in the past as well as this spring on Upper Point Vicente.

2D

## 2. IMPACTS

### a. POTENTIAL TO DEGRADE QUALITY HABITAT

#### i. Introduction of Non-Native Species

- (1) Increased development and intensive recreational use adjacent to habitat areas will cause disturbances which promote the increase of non-native weedy plant species these areas. In addition, according to Dr. Travis Longcore, "Installation of permanent irrigation associated with the project would result in an expansion of the invasive exotic arthropod community on the project site. Water sources (e.g., irrigation within the fuel modification zone) promote population increases of non-native Argentine ants (*Linepithema humile*), European earwigs (*Forficula auricularia*), and other exotic species, which displace native insect species, an effect that extends into adjacent native habitats. Argentine ants may be found on the project site already, but the explosion in numbers associated with permanent irrigation will wreak havoc on native arthropod communities." 1.

2E

- (2) Developed areas tend to attract common pest species such as ants, rats, pigeons, cowbirds, and European starlings. The adverse impacts of these species on wildlife and habitat areas have not been addressed in this EIR. As stated by Dr. Travis Longcore, "Nests near edges are much more susceptible to cowbird parasitism (and predation) than interior sites..... The best documented control on cowbird incidence is to reduce fragmentation of native habitats on a landscape scale". 2 The Ocean Trails Project was, to our knowledge, required to do active trapping of cowbirds.

2F

- (3) Site Preparation/Initial Clearing and Weed Abatement initially discusses manual removal. But then it goes on to mention "additional" herbicide use. The primary herbicide use was not mentioned. More details are needed.

2G

- (4) The impacts into sensitive natural communities were recently re-addressed with the newest proposal which the developer presented after the August 14, 2001 Planning Commission Meeting. In this plan a new pedestrian trail is proposed that would split up and significantly fragment the already narrow habitat area on the slope. This trail needs to be relocated and we support the proposal to do so in the staff report for the August 28, 2001 Planning Commission Meeting.

We find it very bothersome that the plan now pretends to have so much more habitat created, when indeed as Mr. Mohler stated at that last meeting, all the golf course revegetation with native plants is now considered to be part of the habitat. There are no buffers at all to ease the transition and impacts from the manicured, irrigated, fertilized, and herbicide and pesticide-treated golf areas to the habitat. Coastal Sage Scrub species typically have a root zone that is two-and-a-half times the size of the canopy of the shrub. Grading will therefore also directly impact adjacent coastal sage scrub. No acknowledgement of this impact has been addressed in this EIR, therefore we can only conclude that the impact to CSS will be much greater than indicated in this EIR.

2H

In fact, the proposed linear habitat strips provide convenient landscaping and roughs for the course. Shots from the holes on Upper Point Vicente cross habitat areas. Due to the goal of the resort to have golf learning facilities in site, these holes can be expected to be played by

many beginners. We wonder how many golf balls will end up littering the remaining habitat. Since players will not be allowed to retrieve balls out of the habitat areas, will there be a schedule proposed to clean up the site? Or will balls be left to deteriorate in the “habitat”? “Habitat” is proposed in a narrow strip along Palos Verdes Drive South, which in itself will not be able to provide habitat for the sensitive animals we want to protect, but it will pull together the looks of the golf course.

No efforts were made to protect or leave contiguous large natural areas with an edge to size ratio that really could provide habitat. This new plan proposed more active and passive parkland around City Hall, but it does not reasonably increase the habitat quality.

2H

#### QUANTITY OF HABITAT

ii. This EIR repeatedly claims that the proposed project would provide a net gain of habitat. That claim is questionable.

(1) The 14.63 acres of existing CSS that would be “preserved” are already preserved and exist on PUBLIC PARKLAND. Such publicly owned acreage should never be counted towards mitigation of private development. Furthermore, the development of areas within this CSS would actually degrade the quality of this existing habitat due to fragmentation and intense edge effects.

2I

(2) The 16.9 acres of “created” CSS habitat would not have as high value as existing intact habitat. Like the original habitat, these areas would also be fragmented and subject to edge effects. Moreover, such newly planted immature areas cannot be expected to immediately function as replacement habitat. Grading should not be allowed to begin until these revegetated areas are at least several years old.

2J

(3) Comment No. 25 from USFWS and CDFG regarding the removal of 18.07 acres of annual grassland states, “We recommend impacts to annual grassland be mitigated at a minimum 1:1 ratio”. This EIR lacks any such mitigation.

2K

#### OTHER IMPACTS

iii. Section (10.0) mentions fuel modification plans but does not discuss them in any detail at all. Such plans need to be presented, reviewed, commented on, and approved by the public, agencies, and City before the project is approved. Fuel modification areas should not affect or be taken from habitat areas.

2L

iv. New utility lines should be mapped and subject to public comment and review for potential impact to habitat before project approval.

2M

v. The location and environmental impacts of a 5 million gallon water tank deemed necessary by California Water Service must be determined, mapped and subject to public comment and review before project approval.

2N

#### CUMULATIVE IMPACTS

vi. This EIR does not contain adequate discussion of cumulative impacts, as required under CEQA. Cumulative impacts analysis is necessary to ensure that a series of projects is not approved that taken separately have insignificant environmental effects, but when taken together have a significant adverse effect on the environment. Cumulative impacts analysis generally includes either a list of current, past, and reasonably foreseeable projects in the region of the proposed project or a discussion based on Specific and General Plan guidelines. The EIR bases its determination of “No Significant Impact” on the City’s implementation of the NCCP. However, the NCCP has been neither finalized nor approved, so cannot be used in this determination.

2O



### 3. MITIGATION

- |    |   |    |
|----|---|----|
| a. | Mitigation measure 5.3-2a refers to mitigation through the LPHCP which is not yet developed. This mitigation measure defers performance standards or specific criteria to future formulation and consultation. Therefore it fails the test for allowed deferral of mitigation under CEQA. 3 Regarding mitigation to sensitive natural communities (5.3_2a, p.5.3_76), the LPHCP should be implemented prior to the Certificate of Occupancy to the hotel, not only to the satisfaction of the city, but also of the resource agencies and with public input.  | 2P |
| b. | Regarding measure 5.3_2c also the 50 ft planting area inland of the trail should be planted with local native plants.   | 2Q |
| c. | We urge you to add another important mitigation measure that will require seeds collected and container plants propagated from local Palos Verdes Peninsula sources.  | 2R |
| d. | The plant palette for the landscaping of the resort and golf course themselves must not include any plants with the potential to be invasive. We would like to review the entire plant palette and be able to comment on it before it is approved by the agencies and the City.   | 2S |
| e. | The Biological Revision removed statement (5.3-2e) "Prior to the issuance of Building Permits, areas adjacent to golf course activities shall be protected in compliance with City requirements." Why was this removed?   | 2T |
| f. | Measure 5.3_2h, the sage scrub restoration plan also should be approved by the agencies and by the interested public prior to the issuance of grading permits.<br>Regarding the last paragraph of this measure, we wonder about the consequences of declaring the revegetation successful after three years if the percent cover and species diversity are similar of those of adjacent habitat areas? Even a five year monitoring and maintenance period may not be sufficient, so we urge you to not reduce this period to three years. Otherwise, should there occur a drought or any other problem just after three years, it would be the responsibility of the City of Rancho Palos Verdes to complete the restoration efforts. | 2U |
| g. | The plan for Phase I states that it is to restore 9.6 acres "less construction access and staging areas", which will be restored later. Such a vague designation of total area to be restored in the preliminary phase of the project, makes the dubious promise of providing functional habitat replacement before grading begins even more flimsy.  | 2V |

### 4. PRELIMINARY DRAFT NATURAL COMMUNITIES MANAGEMENT PLAN

In regard to the Preliminary Draft Natural Communities Management Plan in the appendix we have the following comments and questions:

- |      |   |     |
|------|---|-----|
| i.   | The plan does not specify where the container plants and seeds are coming from. For restoration areas it should be specified that only plants and seeds collected and propagated from local plants should be used.  | 2W  |
| ii.  | Will the restoration areas be irrigated and for which time period? This question needs to be answered.  | 2X  |
| iii. | While the text mention Lotus strigosus for the seed mix, Table III includes only Lotus salsuginosus. The later one is the one usually found on the peninsula and therefore should be the only one used. However, seeds need to be collected from local plants.  | 2Y  |
| iv.  | Also suggested for seeding are Lupinus bicolor and L. truncatus. L. truncatus is rather uncommon on the peninsula and, infact only found in one location with rather different conditions than the one at Long Point. Therefore, although the Flora Compendium did not specify the Lupinus species found, L. truncatus should be replaced with the common L. succulentus. | 2Z  |
| v.   | Why the heavy inclusion of coyotebush, with 300 gallon plants (as much as for California sage brush (Artemesia californica) which should be the dominant plant for CSS) plus 3 lb seeds?  | 2AA |

	While coyote bush can be part of CSS, it is seldom this dominant and especially not in the existing scrub on the site.	
vi.	As pointed out in the main part of Volume IV, an endemic square spotted blue butterfly, which is closely related or possibly even identical to the El Segundo blue, is known to feed on ashy leaved buckwheat. Why then the heavy use of California buckwheat for the restoration areas? Usually the dominant buckwheat on the peninsula is the ashy leaved one and that must be reflected in the restoration plan. The proposed amounts of California buckwheat are way too high. By the way, the scientific name of ashy leaved buckwheat is <i>Eriogonum cinereum</i> , not <i>cinerareum</i> .	2BB
vii.	Talking about misspellings in this one table, golden bush is correctly named <i>Isocoma menziesii</i> , not <i>Isacoma veneta</i> , <i>Nassella</i> is spelled with two "s", and the species of the common <i>Eucrypta</i> is not <i>intermedia</i> but <i>chrysanthemifolia</i> .	2CC
viii.	Unfortunately, goldfields have, to our knowledge, not been found recently on the peninsula. Should they be reintroduced, why select <i>Lasthenia glabrata</i> and not the common <i>Lasthenia californica</i> ? What is the reasoning behind the species selection?	2DD
ix.	Regarding the 120 days plant replacement, what if the planting occurred late in the year? Will the areas be irrigated and how?	2EE
x.	"Represented throughout" does not define quantity. Chapter 7.1.2 needs to be specified. What if other than the named species are failing?	2FF
xi.	The performance standarts are not thought through sufficently. What about first, second and third year performance standarts? What about maturity and reproduction rate of the plant species?	2GG
xii.	There should be no invasive species like fennel, castorbean and tree tobacco at all in installed restoration areas. If 10 % cover by invasive species would be allowed to begin with, it would be a guarantee for quick degradation.	2HH
xiii.	"The restoration site no longer requires maintenance measures such as replanting of seed or container stock, weed control, or erosion control" is no performance standard at all. Rather one would expect specifications and criteria that would lead to the conclusion that maintenance is no longer required.	2II-
xiv.	"Other Conservation Measure #4" is very troublesome. It would permit periodic irrigation not just to restored but also existing coastal sage scrub areas. Its admitted goal is fuel modification and not conservation. Indeed, it would impact rather than protect the scrub, because it would disturb and degrade the anthropod population and support weeds, while the native plants may suffer in the long term.	2JJ

## CONCLUSION

In conclusion we have found that the impact analysis still is not complete. In addition, the conclusion that "No unavoidable significant impacts related to biological resources have been identified following implementation of recommended mitigation measures and compliance with the City Development Code." is not sufficiently supported. In fact, much of the mitigation is deferred to future plans and consultation without consideration of public input. This is not acceptable.

Sincerely,

Angelika Brinkmann-Busi  
Conservation Chair, South Coast Chapter  
California Native Plant Society

2141 West 35<sup>th</sup> Street  
San Pedro, CA 90732  
(310) 519-8164

1. Land Protection Partners. "Review of Biological Resources Analysis in City of Malibu Negative Declaration No. 00-010 (Kempin Single Family Residence)". ( July 23, 2001) .
2. Land Protection Partners. Letter to Ms. Kiersten Giugno, County of San Diego. (February 18, 2000).
3. According to the leading authority on CEQA compliance, "such deferral is permissible where the adopted mitigation measure (i) commits the agency to a realistic performance standard or criterion that will ensure the mitigation of the significant effect, and (ii) disallows the occurrence of physical changes to the environment until the performance standard can be shown to be satisfied." Remy, M.H., T.A. Thomas, J.G. Moose, W.F. Manley. 1996. Guide to the California Environmental Quality Act (CEQA). Solano Press Books, Point Arena, California, at 275–276.



# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294

(323) 890-4330

COMMENT NO. 3

P. MICHAEL FREEMAN  
FIRE CHIEF  
FORESTER & FIRE WARDEN

September 4, 2001

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SEP 04 2001  
PLANNING, BUILDING,  
& CODE ENFORCEMENT

Ara Michael Mihranian, AICP Acting Senior Planner  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verde, CA 90275-5391

Dear Mr. Mihranian:

**REVISED BIOLOGICAL RESOURCES VOLUME IV  
"LONG POINT RESORT PROJECT" TPM326073  
(RANCHO PALOS VERDES) EIR#1202/2001**

The Revised Biological Report Volume IV for the Long Point Resort has been reviewed by the Planning, Land Development, and Forestry Divisions of the County of Los Angeles Fire Department. The following are their comments:

**LAND DEVELOPMENT UNIT:**

There are no additional comments regarding this project. The conditions that were detailed in the letter dated March 15, 2001 (EIR#1072/2001) have not been changed at this time. (See enclosed copy of letter).

Should any questions arise regarding subdivision, water systems, or access please contact Inspector Michael McHargue at (323) 890-4243

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS  
ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER

BRADBURY  
CALABASAS  
CARSON  
CERRITOS  
CLAREMONT  
COMMERCE  
COVINA

CUDAHY  
DIAMOND BAR  
DUARTE  
EL MONTE  
GARDENA  
GLENDDORA  
HAWAIIAN GARDENS

HAWTHORNE  
HIDDEN HILLS  
HUNTINGTON PARK  
INDUSTRY  
INGLEWOOD  
IRWINDALE  
LA CANADA-FLINTRIDGE

LA MIRADA  
LA PUENTE  
LAKEWOOD  
LANCASTER  
LAWDALE  
LOMITA  
LYNWOOD

MALIBU  
MAYWOOD  
NORWALK  
PALMDALE  
PALOS VERDES ESTATES  
PARAMOUNT  
PICO RIVERA

POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
SAN DIMAS  
SANTA CLARITA

SIGNAL HILL  
SOUTH EL MONTE  
SOUTH GATE  
TEMPLE CITY  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER

Mr. Ara Michael Mihranian, AICP Acting Senior Planner  
September 4, 2001  
Page 2

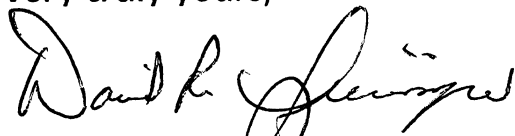
**FORESTRY DIVISION:**

The statutory responsibilities of the County of Los Angeles Fire Department, Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources and the County Oak Tree Ordinance.

The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department have been addressed.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

A handwritten signature in black ink, appearing to read "David R. Leininger". The signature is fluid and cursive, with the first name "David" being the most prominent.

DAVID R. LEININGER, ACTING CHIEF, FORESTRY DIVISION  
PREVENTION BUREAU

DRL:lc

Enclosure

ENCLOSURE

(323) 890-4330

March 15, 2001

David Snow, AICP  
City of Rancho Palos Verdes  
Department of Planning, Building & Code Enforcement  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

Dear Mr. Snow:

**SUBJECT: ENVIRONMENTAL IMPACT REPORT - (CITY OF RANCHO PALOS VERDES)  
COASTAL PERMIT #166, CONDITIONAL USE PERMIT #215 & 216, TENTATIVE  
TRACT MAP #26073, GPA #28, GRADING PERMIT #2229 & 2230, SCH #2000071076  
"LONG POINT RESORT" -- (EIR #1072/2001)**

The Environmental Impact Report for the proposed Long Point Resort Project has been reviewed by the Planning, Land Development, and Forestry Divisions of the County of Los Angeles Fire Department. The following are their comments:

**PLANNING SECTION:**

The report states (p. 5.11-12) that the project "...would not warrant the construction of new fire protection related facilities, nor would it result in the need for alteration of existing facilities." That is an inaccurate representation of our 8/14/2000 letter in response to the Notice of Preparation, shown in Appendix 15.1. This project, in combination with cumulative impact of related projects, *may* require additional fire protection facilities, equipment, and/or staffing. Our letter requested the square footage of proposed additions to and removals from the existing building stock. In the absence of such information, it remains difficult to assess the impact of this project on the adequacy of service.

**LAND DEVELOPMENT UNIT:**

The following comments, regarding this project, are in addition to the conditions that were detailed in the letter dated August 14, 2000 (EIR #943/2000, please see attached copy of letter).



Every building constructed shall be accessible to Fire Department apparatus by way of access roadways, with an all weather surface of not less than the prescribed width, unobstructed, clear-to-sky. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.

When a bridge is required, to be used as part of a fire access road, it shall be constructed and maintained in accordance with nationally recognized standards and designed for a live load sufficient to carry a minimum of 75,000 pounds.

The maximum allowable grade shall not exceed 15% except where the topography makes it impractical to keep within such grade, and then an absolute maximum of 20% will be allowed for up to 150 feet in distance. The average maximum allowed grade, including topography difficulties, shall be no more than 17%. Grade breaks shall not exceed 10% in 10 feet.

Turning radii shall not be less than 42 feet. This measurement shall be determined at the centerline of the road. A fire department approved turning area shall be provided for all driveways exceeding 150 feet in length and at the end of all cul-de-sacs. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

1. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
2. No portion of a building shall exceed 400 feet via vehicular access from a properly spaced public fire hydrant.
3. When cul-de-sac depth exceeds 200 feet on a commercial street, hydrants shall be required at the corner and mid-block. Additional hydrants will be required if hydrant spacing exceeds specified distances.
4. A cul-de-sac shall not be more than 500 feet in length, when serving land zoned for commercial use.
5. A Fire Department approved turning area shall be provided at the end of a cul-de-sac.

**HIGH-DENSITY RESIDENTIAL:**

When cul-de-sac depth exceeds 200 feet, hydrants will be required at the corner and mid-block. Additional hydrants will be required if the hydrant spacing exceeds specified distances.

Turning radii shall not be less than 42 feet. This measurement shall be determined at the centerline of the road. A Fire Department approved turning area shall be provided for all driveways exceeding 150 feet in length and at the end of all cul-de-sacs.

When serving land zoned for residential uses having a density of more than four units per net acre:

1. A cul-de-sac shall be a minimum of 34 feet in width and shall not be more than 700 feet in length.
2. The length of the cul-de-sac may be increased to 1000 feet if a minimum of 36 feet in width is provided.
3. A Fire Department approved turning area shall be provided at the end of a cul-de-sac.

All on-site driveways shall provide a minimum unobstructed width of 26 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The 26 foot width does not allow for parking, and shall be designated as a "Fire Lane," and have appropriate signage. The 26 feet in width shall be increased to:

1. Provide 34 feet in width when parallel parking is allowed on one side of the access way.
2. Provide 36 feet in width when parallel parking is allowed on both sides of the access way.
3. Any access way less than 34 feet in width shall be labeled "Fire Lane" on the final recording map, and final building plans. Driveway labeling is necessary to ensure access for Fire Department use.

**LIMITED ACCESS DEVICES (GATES ETC.):**

1. Any single gate used for ingress and egress shall be a minimum of 26 feet in width, clear-to-sky.
2. Any gate used for a single direction of travel, used in conjunction with another gate, used for travel in the opposite direction, (split gates) shall have a minimum width of 20 feet each, clear-to-sky.
3. Gates and/or control devices shall be positioned a minimum of 50 feet from a public right of way, and shall be provided with a turnaround having a minimum of 32 feet of turning radius. If an intercom system is used, the 50 feet shall be measured from the right-of-way to the intercom control device.
4. All limited access devices shall be of a type approved by the Fire Department.
5. Gate plans shall be submitted to the Fire Department, prior to installation. These plans shall show all locations, widths and details of the proposed gates.

Mr. David Snow, AICP  
March 15, 2001  
Page 4

**TRAFFIC CALMING MEASURES**

All proposals for traffic calming measures (speed humps/bumps, traffic circles, roundabouts, etc.) shall be submitted to the Fire Department for review, prior to implementation.


Should any questions arise regarding subdivision, water systems, or access please contact Inspector Michael McHargue at (323) 890-4243.

**FORESTRY DIVISION:**

The areas germane to the statutory responsibilities of the County of Los Angeles Fire Department have been addressed.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

A handwritten signature in black ink, appearing to read "David R. Leninger". The signature is fluid and cursive, with the first name "David" being the most prominent.

DAVID R. LENINGER, ACTING CHIEF, FORESTRY DIVISION  
PREVENTION BUREAU

DRL:lc

ENCLOSURE

(323) 890-4330

August 14, 2000

David Snow, AICP  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

Dear Mr. Snow:

**SUBJECT: ENVIRONMENTAL IMPACT REPORT - (CITY OF RANCHO PALOS VERDES)  
INITIAL STUDY/ENVIRONMENTAL CHECKLIST, "LONG POINT RESORT"  
(COASTAL PERMIT #166, CUPS #215 & #216, TPM #26073, AND GRADING  
PERMIT #2229 & #2230) - EIR #943/2000**

The Initial Study/Environmental Checklist for the Long Point Resort Project has been reviewed by the Planning, Subdivision, and Forestry Divisions of the County of Los Angeles Fire Department. The following are their comments:

**PLANNING:**

Fire protection serving the area appears to be adequate for the existing development/land use; however, each additional development creates greater demands on existing resources. Consequently, the impact that this project will have on the adequacy of the Fire Department's level of service remains uncertain.

It would be helpful if the environmental document specifies the square footage of all proposed structures and of any existing structures in the former Marineland site that are scheduled for demolition.

**DESIGN AND CONSTRUCTION -- GENERAL REQUIREMENTS:**

Size, complexity, and projected use of the proposed development may necessitate multiple ingress/egress access for the circulation of traffic, and emergency response issues. The development of this project must comply with all applicable code and ordinance requirements for construction, access, water main, fire flows and hydrants.

This property is located within the area described by the Forester and Fire Warden as a Fire Zone 4, Very High Fire Hazard Severity Zone (VHFHSZ). All applicable fire code and ordinance requirements for construction, access, water mains, fire hydrants, fire flows, brush clearance and fuel modification plans, must be met.

Specific fire and life safety requirements for the construction phase will be addressed at the building fire plan check. There may be additional fire and life safety requirements during this time.

Every building constructed shall be accessible to fire department apparatus by way of access roadways, with an all weather surface of not less than the prescribed width, unobstructed, clear to the sky. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.

Any bridges to be constructed shall be constructed and maintained in accordance with nationally recognized standards and designed for a live load sufficient to carry a minimum of 70,000 pounds.

When involved with subdivision, Fire Department requirements for access, fire flows and hydrants are addressed during the subdivision tentative map stage.

It is strongly suggested that fire sprinkler systems be installed in all commercial and residential buildings. This will reduce potential fire and life losses. Systems are now technically and economically feasible for residential use.

**COMMERCIAL OR INDUSTRIAL:**

Development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five hour duration. Final fire flows will be based on the size of the buildings, their relationship to other structures, property lines, and types of construction used. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

1. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
2. No portion of a building should exceed 400 feet via vehicular access from a properly spaced public fire hydrant.

All on-site driveways shall provide a minimum unobstructed width of 26 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. Driveway width for commercial or industrial developments shall be increased when any of the following conditions will exist:

1. Provide 28 feet width when buildings are three stories or more than 35 feet in height above access level. Also, for using fire truck ladders, the centerline of the access roadway shall be located parallel to, and within 30 feet of the exterior wall on one side of the proposed structure.
2. Provide 34 feet width when parallel parking is allowed on one side of the access roadway/driveway. Preference is that such parking is not adjacent to the structure.
3. Provide 42 feet width when parallel parking is allowed on each side of the access roadway/driveway.

4. All "Fire Lanes" will be depicted on the final map, and will be designated with the appropriate signage. "Fire Lanes" are any ingress/egress roadway/driveway with paving less than 34 feet in width, and will be clear-to-sky.

**HIGH-DENSITY RESIDENTIAL:**

Development may require fire flows up to 5,000 gallons per minute at 20 pounds per square inch residual pressure for up to a five-hour duration. Final fire flows will be based on the size of the buildings, their relationship to other structures, property lines, and types of construction used. Fire hydrant spacing shall be 300 feet and shall meet the following requirements:

1. No portion of lot frontage shall be more than 200 feet via vehicular access from a public fire hydrant.
2. No portion of a building should exceed 400 feet via vehicular access from a properly spaced fire hydrant.

All on-site driveways shall provide a minimum unobstructed width of 26 feet, clear-to-sky. The on-site driveway is to be within 150 feet of all portions of the exterior walls of the first story of any building. The 26 feet width does not allow for parking, and shall be designated as a "Fire Lane," and have appropriate signage. The 26 feet width shall be increased to:

1. Provide 34 feet width when parallel parking is allowed on one side of the access way.
2. Provide 36 feet width when parallel parking is allowed on both sides of the access way.
3. Any access way less than 34 feet in width shall be labeled "Fire Lane" on the final recording map, and final building plans. Driveway labeling is necessary to ensure access for Fire Department use.

Should any questions arise regarding design and construction, and/or water and access, please contact Inspector Mike McHargue at (323) 890-4243.

**OTHER ENVIRONMENTAL CONCERNS:**

The statutory responsibilities of the County of Los Angeles Fire Department Forestry Division include erosion control, watershed management, rare and endangered species, vegetation, fuel modification for Very High Fire Hazard Severity Zones or Fire Zone 4, archeological and cultural resources and the County Oak Tree Ordinance. Potential impacts in these areas should be addressed in the Draft EIR.

Oak trees are known to exist in the proposed project area. Further field studies should be conducted to determine the presence of this species on the project site. The applicant should incorporate innovative design to reduce or eliminate the impact to any Oak resources and the loss of any Oak tree habitat should be mitigated for pursuant to the provisions of the City's Tree Management Policy.

As required by Section 1117.2.1 of the County Fire Code a fuel modification plan, a landscape plan and an irrigation plan shall be submitted with any subdivision of land or prior to any new construction, remodeling, modification or reconstruction where such activities increase the square footage of the existing structure by at least

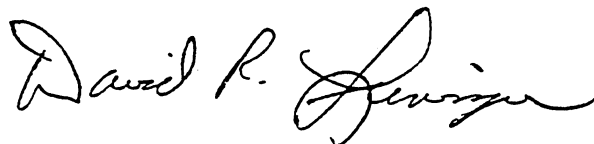


David Snow, AICP  
August 14, 2000  
Page 4

50% within a 12-month period and where said structure or subdivision is located within an area designated as a Very High Fire Hazard Severity Zone or within Fire Zone 4. Said plans shall be reviewed and approved by the Forestry Division of the County of Los Angeles Fire Department for reasonable fire safety. Specific questions regarding fuel modification requirements should be directed to the Brush Clearance Office at (626) 969-2375.

If you have any additional questions, please contact this office at (323) 890-4330.

Very truly yours,

A handwritten signature in cursive script, reading "David R. Leininger". The signature is written in black ink and is positioned above the typed name and title.

DAVID R. LEININGER, ACTING CHIEF, FORESTRY DIVISION  
PREVENTION BUREAU

DRL:lc

DEPARTMENT OF TRANSPORTATION  
DISTRICT 7, REGIONAL PLANNING  
IGR OFFICE 1-12 B  
120 SOUTH SPRING STREET  
LOS ANGELES, CA 90012  
TEL: (213) 897-4429  
FAX: (213) 897-6317



IGR/CEQA No. 010209-RK  
Long Point Resort Project  
Draft Environmental Impact Report  
SCH No. 2000071096  
Vic. LA-213/PM 0.00

**RECEIVED**

August 6, 2001

AUG 14 2001

Mr. Ara Michael Mihranian  
City of Rancho Palos Verdes  
Planning, Building, and Code Enforcement  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275-5391

PLANNING, BUILDING,  
& CODE ENFORCEMENT

Dear Mr. Mihranian:

Thank you for submitting the traffic impact analysis report included in the Draft Environmental Impact Report for the Long Point Resort Project. This project includes the development of a 400-room hotel, 32 villas, restaurants/bars, and meeting spaces.

We note in the information received that the project will significantly impact State Route 213 (Western Avenue) at 25<sup>th</sup> Street, and that improvements are proposed. Any improvements to state facilities will need to meet state standards and approval by this Department. Please advise us whether there will be modifications to the traffic signal at this intersection.

A Caltrans Encroachment Permit may be needed for the project. Any encroachment into, on or over State right-of-way will require a Caltrans encroachment permit. Please prepare and submit engineering plans for our review. Sufficient time should be allowed for the Permit Engineer to review the project and its impacts to Caltrans right-of-way.

Thank you for your cooperation, and if you have any questions, please feel free to contact me at (213) 897-4429 and refer to IGR/CEQA No. 010209-RK.

Sincerely,

STEPHEN J. BUSWELL  
IGR/CEQA Program Manager  
Transportation Planning Office  
Caltrans, District 7

4A

DEPARTMENT OF TRANSPORTATION  
DISTRICT 7, REGIONAL PLANNING  
IGR OFFICE 1-12 B  
120 SOUTH SPRING STREET  
LOS ANGELES, CA 90012  
TEL: (213) 897-4429  
FAX: (213) 897-6317



IGR/CEQA No. 010816-RK  
Long Point Resort Project  
Revised Biological Resources Section  
Draft Environmental Impact Report  
SCH No. 2000071076  
Vic. LA-213/PM 0.00

August 7, 2001

Mr. David Snow  
City of Rancho Palos Verdes  
Planning, Building, and Code Enforcement  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275-5391

RECEIVED

AUG 14 2001

PLANNING, BUILDING,  
& CODE ENFORCEMENT

Dear Mr. Snow:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Long Point Resort Project. This project involves the development of a 400-room hotel, 32 villas, restaurants/bars, and meeting spaces.

We have no specific comments on the Revised Biological Resources Section of the Draft EIR. Please refer to our comments on the Draft EIR in our previous letter, dated August 6, 2001.

Thank you for your cooperation, and if you have any questions, please feel free to contact me at (213) 897-4429 and refer to IGR/CEQA No. 010816-RK.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Buswell".

STEPHEN J. BUSWELL  
IGR/CEQA Program Manager  
Transportation Planning Office  
Caltrans, District 7

5A



RECEIVED

AUG 30 2001

PLANNING, BUILDING,  
& CODE ENFORCEMENT

August 30, 2001

Mr. Ara Mihranian  
 City of Rancho Palos Verdes  
 30940 Hawthorne Boulevard  
 Rancho Palos Verdes, CA 90275

**Re: Recirculated Biological Resources Section for the Long Point Resort  
 Environmental Impact Report**

Dear Mr. Mihranian:

The following comments are submitted by Destination Development Corporation, the developer of the proposed Long Point Resort project (the "Project"). We have reviewed the Recirculated Biological Resources Section, Draft EIR volume IV (the "Section"), and submit the following comments for the City's consideration. If you have any questions regarding the comments or the information cited in our comments, please do not hesitate to contact me.

1. **Page 5.3-9, Mule Fat Scrub:** One of the elements of a delineation of State and federal waters is to ascertain and characterize the vegetation present in and around potential jurisdictional waters in order to determine, among other things, whether the vegetation is associated with the drainage. As cited on page 5.3-2 of the Section, a jurisdictional delineation of the Project site was prepared by Glenn Lukos Associates. As part of that effort, the vegetation on the project site was observed, described and analyzed by biologists and botanists. The description and acreage of the extent of mule fat on the Project site differs significantly from that of the Draft EIR. Although a jurisdictional delineation is performed for a specific purpose, i.e., to determine the extent of jurisdictional state and federal waters that are subject to regulation under Section 404 of the Clean Water Act and Section 1601/1603 of the Fish and Game Code, the vegetation in, adjacent to and on the upland areas surrounding the drainage(s) is also assessed by biologists and botanists in order to ascertain the nature of the vegetation community that surround the jurisdictional areas.

6A

The jurisdictional delineation identified 0.02 acres of mule fat on the Resort Hotel Area ("RHA"), while Table 5.3-1 on page 5.3-8 identifies 0.09 acres of mule fat on the RHA. On page 5.3-9, the Draft EIR describes the two locations of the mule fat which correspond to the areas described in the jurisdictional delineation; specifically, the disturbed areas south of Palos Verdes Drive South in the northwest corner of the RHA, and in the southeastern portion of the RHA. The Draft EIR states that the "vegetation in these areas is dominated by mule fat." According to the description of the vegetation in the jurisdictional delineation, there is less than 0.01 acre of mule fat (a 9 foot by 24 foot area) on the banks of a ditch in the northwestern corner, and a 0.01 acre (a 20 foot by 20 foot) area in the southeast portion of the site. According to the regulatory specialist who investigated the site -- and examined not only the drainages but vegetation in and around the drainages -- the southeast portion of the site does not support an area dominated by mule fat, and certainly not of the acreage described in the Draft EIR. While the regulatory specialist stated that there is a small patch of mule fat (less than 200 square feet) located in an upland area in the southeast portion of the site, the predominant vegetation is non-native, upland species such as slender wild oat (*Avena barbata*), cultivated barley (*Mordeum murinum*), and castor bean (*Ricinus communis*). We request that the description of mule fat be corrected to reflect the vegetation observed and described in the May 30, 2001 Lukos report.

6A

2. **Page 5.3-25 to 26:** The Draft EIR cites the Glenn Lukos Associates 2001 jurisdictional delineation in support of the statement that the northwestern portion of the RHA supports a small area of mule fat of approximately 0.02 acre in size. The Lukos 2001 jurisdictional delineation on page 13 states that the extent of mule fat in the northwestern portion of the RHA is less than 0.01 acre in size. This figure should be corrected to reflect the cited report.

6B

As discussed in comment 1, above, with respect to the southeastern portion of the RHA, the regulatory specialist who conducted the vegetation assessment for the jurisdictional delineation observed that while 0.01 acre of mule fat was within the jurisdiction of the Department of Fish and Game because it was associated with a drainage course, there is not an additional 0.06 acres of mule fat in this area. In order for mule fat to be considered "riparian" it should grow adjacent to freshwater watercourses. Moreover, the limit of riparian habitat is where riparian hydrophytes are no longer predominant. (See, e.g., Coastal Commission, Technical Criteria for Identifying and Mapping Wetlands and Other Wet Environmentally Sensitive Habitat Areas (June 15, 1994).) As the Draft EIR notes, the area of mule fat included some areas of non-native, upland vegetation. Based upon the observations made by the Lukos specialists, we believe that the dominant vegetation in the 0.06 acres of upland is non-native grasslands and this area is more properly characterized as such, as opposed to being characterized as a riparian community.

6C

3. **Page 5.3-53, El Segundo Blue Butterfly:** As noted in the Draft EIR, the Project design restricts development at the bluff edge to avoid direct impacts to the El Segundo blue butterfly. In addition, in order to minimize indirect impacts, the Project design also includes a native plant buffer along the western bluff edge of the RHA. Enclosed with this comment letter is a cross-section depicting the Project's proposed bluff edge and native plant buffer treatment. The Project proposes to establish a 25 feet average native plant buffer along the western edge of the RHA extending from the parking lot at Palos Verdes Drive to a point approximately three-quarters of the distance of the western bluff edge. At no point will the native plant buffer be less than 10 feet in width. As a public trail is proposed along this same bluff edge, the Project will provide a low, open rail fence between the native plant buffer and the trail for public safety purposes and as a deterrent for people and domestic animals to intrude upon the native plant buffer area. The project grading plan will direct drainage away from the bluff edge.
4. **Page 5.3-60, Coastal Bluff Scrub:** The Draft EIR states that a total of 0.10 acre of coastal bluff scrub and disturbed coastal bluff scrub will be impacted. The Draft EIR also includes a mitigation measure, Mitigation Measure 5.3-2b (see page 5.3-76) which requires that the Project development plan be modified to avoid any construction/development impact upon coastal bluff scrub and disturbed coastal bluff scrub areas. In our prior comment letter dated April 5, 2001, we indicated that the Project was designed to avoid all identified areas of coastal bluff scrub on RHA. Grading plans for the RHA have been submitted to and are on file at the City which reflect that all coastal bluff areas are avoided. The cross-section referred to in comment 3, above, reinforces this fact. We request that the City acknowledge in the responses to comments that the grading plan on file has avoided impacts to coastal bluff scrub.
5. **Page 5.3-60, Riparian Habitat:** As previously stated in comments 1 and 2, the Draft EIR has incorrectly cited the amount of mule fat located in the northwest portion of the RHA as 0.02 acre, instead of the 0.01 acre described in the Lukos delineation and cited on page 5.3-26. Also, as previously stated, the extent of mule fat associated with a drainage in the southeast portion of the RHA which can be characterized as riparian vegetation is 0.01 acre per the Lukos delineation, not 0.07 acre. The 0.01 acre of mule fat is avoided by the Project as it is located on the edge of a bluff. Therefore, the 0.05 acre of impact to riparian habitat on Table 5.3-4 should also be corrected.
6. **Page 5.3-63, Table 5.3-4:** In addition to the correction to the amount of mule fat scrub that is impacted by the project (see comment 4, above), we request that the

6D

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6F



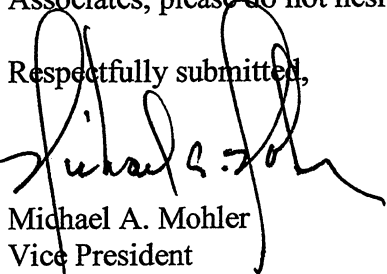
Mr. Ara Mishranian  
City of Rancho Palos Verdes  
August 30, 2001  
Page 4

table be corrected to reflect the fact that as a result of the grading plans currently on file at the City, the project has avoided impacts to coastal bluff scrub and disturbed coastal bluff scrub.

6F

We appreciate the opportunity to provide you with this additional information regarding the existing conditions of the Project site and our proposed measures to avoid and minimize impacts to sensitive species and habitats on the RHA. We trust that the grading plans currently on file with the City will be reviewed as part of the preparation of responses to these comments, so that our assertions regarding the avoidance of impacts to coastal bluff scrub and the establishment of a native plant buffer can be confirmed in your responses. As some of our comments also rely upon the observations of the Lukos regulatory specialists who prepared the jurisdictional delineation, we would be happy to make available to you those individuals so that their observations can be confirmed by the City and its consultants. If you have any questions regarding the comments in this letter, or the grading plans on file, or wish to consult with the personnel at Glenn Lukos Associates, please do not hesitate to contact me.

Respectfully submitted,



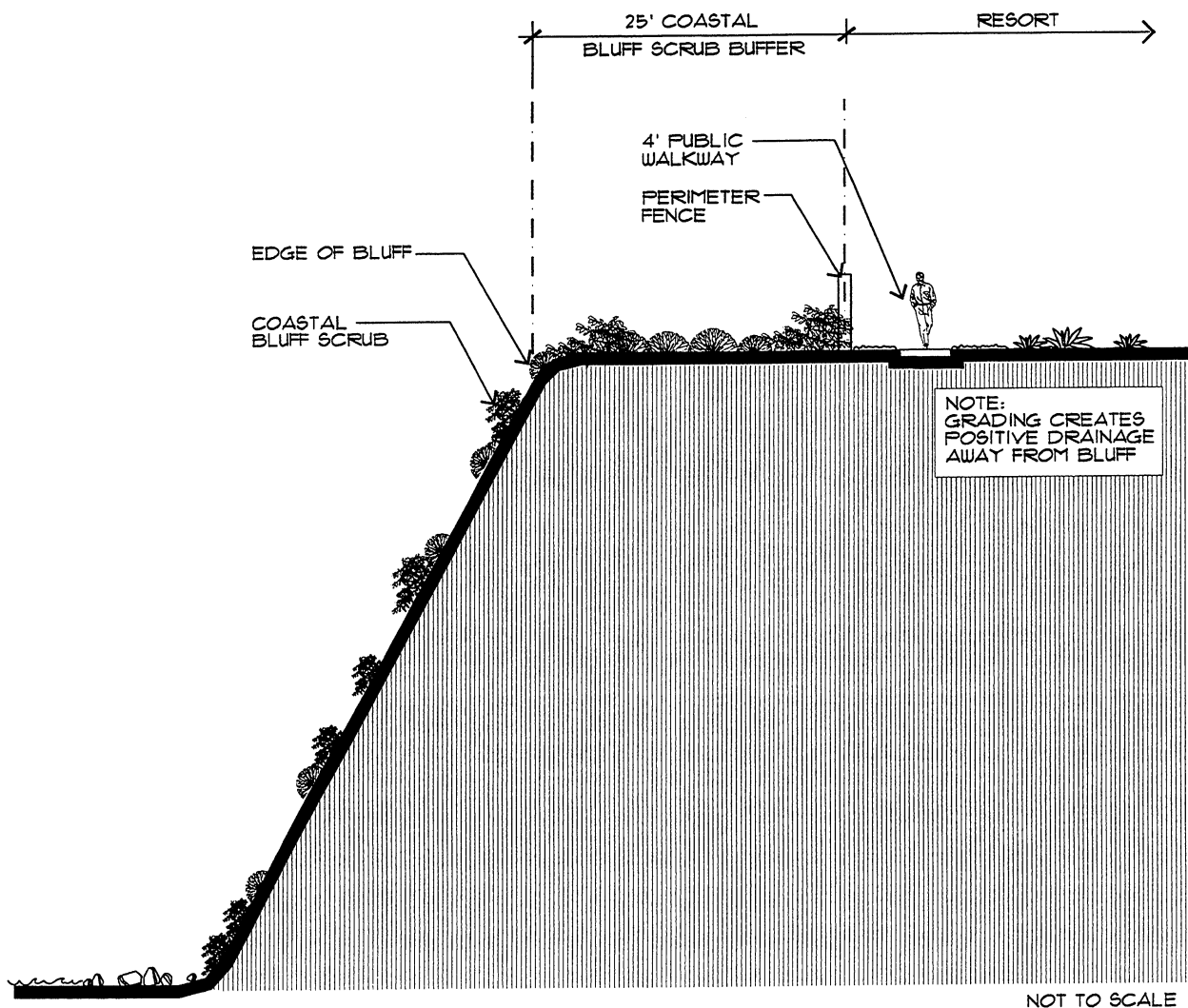
Michael A. Mohler  
Vice President

Enclosure: Cross-Section of Native Plant Buffer/Bluff Edge Treatment

RECEIVED

AUG 30 2001

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& CODE ENFORCEMENT



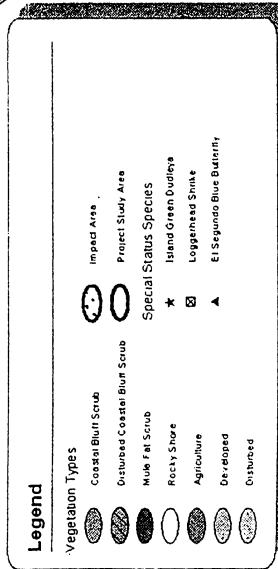
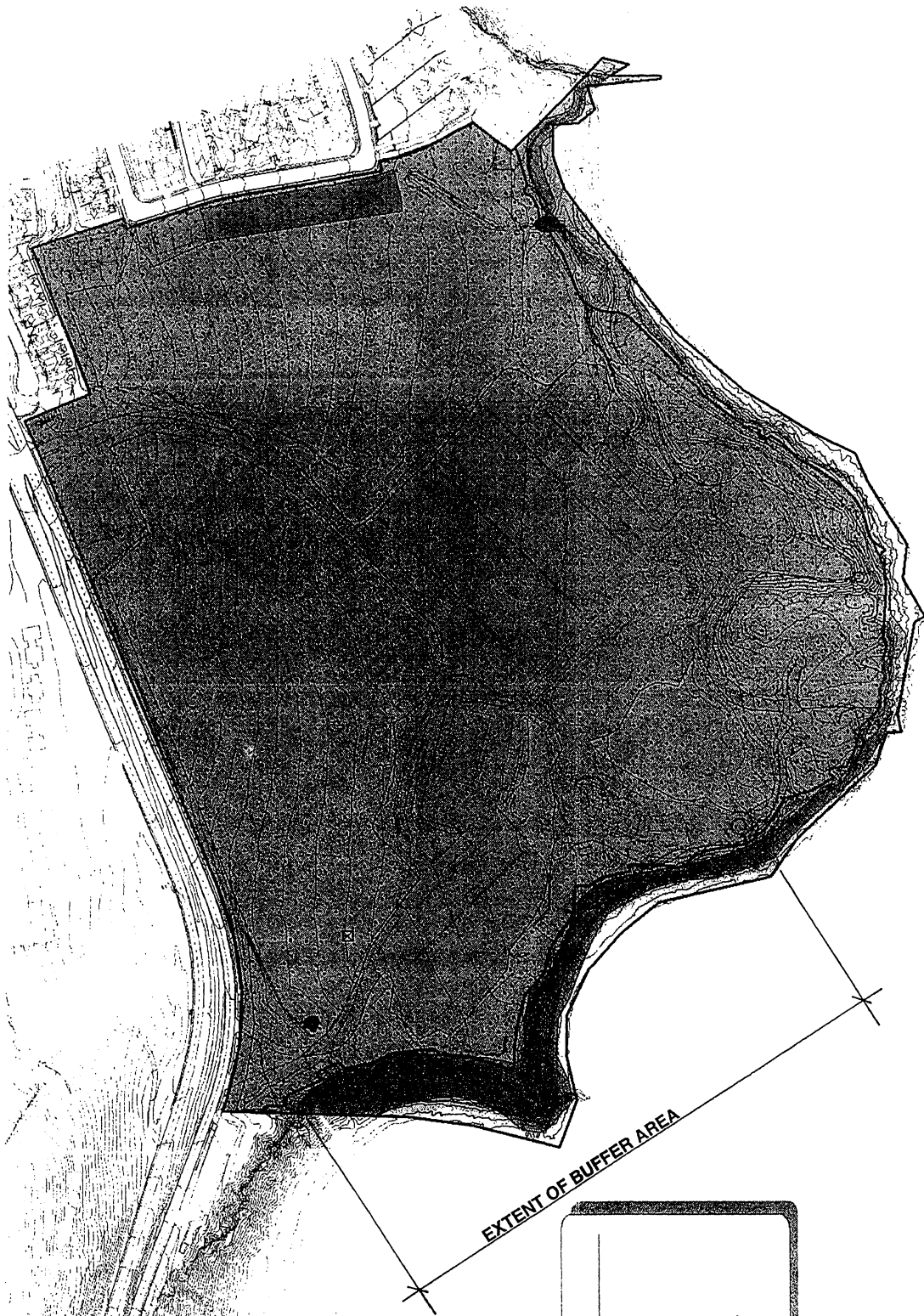
## COASTAL BLUFF SCRUB ECOTONE

LONG POINT RESORT  
AUGUST 30, 2001

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AUG 30 2007

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& CODE ENFORCEMENT



SOURCE: BONTERRA CONSULTING

JN 10 034134 7978 - 0701



LONG POINT RESORT EIR  
**Biological Resources Impacts  
Within the Resort Hotel Area**

Exhibit 5.3-5

8.30.2001  
4:45  
pm

RE: Long Point - UPU Park

Biological Resources Report

4.3.4. WILDLIFE CORRIDORS &  
HABITAT LINKAGES

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The proposed golfing activities at UPU Park will render the existing native habitat useless to the Coastal California gnatcatcher and because this area is a vital habitat linkage to the 30 acre mitigated habitat of Subregion 1 the proposed golf project at the park will negatively affect the native habitat of endangered species (gnatcatcher) within the coastal zone. This is a significant impact that cannot be mitigated or relieved & as such the lower portion of UPPER POINT VICENTE PARK should remain undisturbed. Per page 46 of the Final Biological Technical Report there are at least 4 (four) pairs of gnatcatchers at UPU Park.

7A

Respectfully

Rowland Diskell  
30 VIA Capri  
RPU, CA 90275  
310. 544. 4183

AUG 30 2001

## ***The Endangered Habitats League***

*Dedicated to the Protection of Coastal Sage Scrub and other Threatened Ecosystems*

Dan Silver, Coordinator, 8424A Santa Monica Blvd. #592, Los Angeles, CA 90069-4210

August 29, 2001

Mr. David Snow  
City of Rancho Palos Verdes Planning Commission  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275

Re: Draft Environmental Impact Report for the Long Point Resort Project

Dear Mr. Snow,

It is clear in the responses to our comments on the Draft Environmental Impact Report for the Long Point Resort Project that our concerns have been ignored. We have consistently pointed out the conflict of developing UPVA with an eventual NCCP reserve design for the peninsula. Arguments contra which depend on the incompleteness of the NCCP or the existence of a reserve design alternative which does not include UPVA, are invalid. They serve only to confuse people who are unfamiliar with the biological precariousness of many local species, and what it will take to preserve them. These species are a part of our heritage, and one we should bequeath to future generations..

The distinction between the Long Point Habitat Conservation Program (LPHCP) and a federally-approved Habitat Conservation Plan (HCP) remains unclear in the text and answers to comments. We do not see how this project will go forward without an HCP or a completed NCCP. Given the conditions noted below, which restate our basic and unanswered objections to the EIR, we do not believe an HCP will be approved. If this concern is unanswerable, it should be so stated.

The recruitment of California Gnatcatchers, from the strong breeding population around City Hall, into the population on the rest of the peninsula is critical to their survival. This has clearly been shown by the Manomet Bird Observatory studies, led by Dr. Jon Atwood. If this recruitment is disrupted, the continuance of a breeding population on the peninsula will be jeopardized, and with it the possibility of a workable NCCP reserve design. This is contrary to the commitment made by the City of Rancho Palos Verdes when it undertook the NCCP. One of the tenets of the process is that no development will be permitted (regardless of the 5% rule) which jeopardizes the possibility of a successful NCCP.

There are two facets to the maintenance of the necessary recruitment which apply to UPVA. First is the need to keep the breeding population healthy. Second is the need to keep the strongest possible connection between this breeding ground and the most proximate breeding

8A

8B

grounds, located from Agua Amarga Canyon north into PV Estates, and from the Tramonto tract eastward. The Long Point project violates both of these requirements since it severely disturbs the gnatcatcher population on UPVA. Half of the existing territories will be fragmented by the golf course, and the others will be affected to a somewhat lesser degree. In addition, dispersal routes for young birds will be affected by the interposition of golfing uses between habitat and the main habitat corridor northward, which begins on the slope below Vallon Drive. That, of course, presupposes there are any young birds left for dispersal.

8B

The effects on Cactus Wrens will also be severe. Half of their territories on site will be fragmented and the others degraded significantly. This seems to us incompatible with NCCP objectives, and is not what we think was meant by the NCCP term, "target species." The mitigating offer to revegetate areas is laudable, but seems hardly necessary since this land is in public ownership and should automatically be part of the NCCP reserve design.

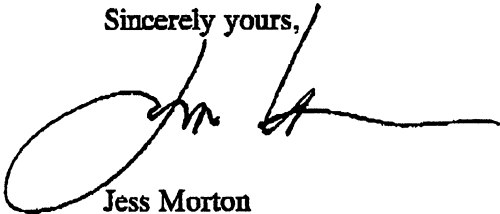
8C

The arguments against this made in response to our original comments on this issue are weak. On page 14-64, it is asserted that "Because the City's NCCP is not adopted, there can not be any identified impact to the NCCP because it is not 'adopted'." This may be true for what are usually called "impacts" on a species or habitat. However, as pointed out above, the use of UPVA jeopardizes the NCCP as a viable entity—we may never be able to create an NCCP if this project goes forward. That is unacceptable.

8D

The argument made on page 16-66, that this jeopardy cannot be, is absurd. We read, "....two alternatives have been identified for the City of Rancho Palos Verdes NCCP that do not include reserve areas within the boundaries of the permanent impact areas of the proposed Project. Therefore, it can be stated that the proposed Project could not be in conflict with the overall reserve design goals and objectives because the preliminary analysis has shown that viable reserve designs exist with the inclusion of the proposed Project." One can, of course, state anything. That does not make it so. Liken these reserve designs to traffic signals. If one posts a stop sign and two slow signs at an intersection, one should not conclude it is safe to cross the intersection just because there are signs saying slow. We think the wiser course is to stop.

Sincerely yours,



Jess Morton  
Los Angeles County Director

AUG 30 2001

August 30, 2001

PLANNING, BUILDING,  
& CODE ENFORCEMENT

To: *All Planning Commissioners and*  
To: Joel Rojas and Ara Mihranian, Planning Department

From: Dena Friedson, a member of Save Our Coastline II

Re: The Revised Biological Resources Section of the Draft  
Environmental Impact Report for the Long Point Resort  
Project

The Revised DEIR contains the same misrepresentations and errors as the original.

Impact Statement 5.3-3 of the original DEIR states "Project implementation may interfere with the movement of a native resident or migratory wildlife species. Analysis has concluded that impacts are less than significant. No mitigation measures are required." This language is repeated on Page 5.3-70 of the revised Draft, but the words about mitigation are not included. These assessments are misleading and not accurate. There would be substantial impacts and interference if the Long Point project were to be allowed on Upper Point Vicente - during the construction period and after completion.

9A

Upper Point Vicente has been identified by the California Department of Fish and Game and the United States Fish and Wildlife Service as an important linkage area between Agua Armaga Canyon and Portuguese Bend as well as Subregion I and Lunada Canyon. (See their letter of April 5, 2001.) Its chenopod scrub and annual grassland acreages have high restoration potential. The grasslands also provide foraging places for a number of sensitive raptor species as well as habitats for other birds and animals. Its native coastal sage scrub is home to threatened gnatcatchers, cactus wrens, and loggerhead shrikes.

9B

Although some species of plants and wildlife were not observed during the survey periods, the potential for their presence is high. According to Ken Osborne of the USFWS, in a letter dated July 2, 2001, there are abundantly existing plants (*Astragalus trichopodus*) on Upper Point Vicente to easily support Palos Verdes blue butterflies if they were to be reintroduced. A once thought-to-be-extinct butterfly could be given a real chance of recovery on the Palos Verdes Peninsula. Also, abundant amounts of *Eriogonum cinereum* were found in the coastal sage scrub on Upper Point Vicente. Some biologists believe that this plant could support the El Segundo blue butterfly. Attempting to entice them to this location would be worthwhile.

9C

If permitted to be constructed, golf holes and fairways would crisscross native habitats and would create edging effects, isolated patches, and hazards to threatened birds from predators and errant golf balls. As of now, Upper Point Vicente has 19.54 acres of existing coastal sage scrub, of which 4.91 (25%) are slated for destruction. The Long Point Community Conservation Plan proposes to create 16.80 acres of new coastal sage scrub on Upper Point Vicente. The revised DEIR has the audacity to suggest that the ratio of the final habitat area, including Long Point, to the amount removed would be 8 to 1 (Page 5.3-47). Credit is being given for not eliminating existing native plants!

9D

Proposed mitigation measures are weak. The Special Status Plant Mitigation Program would include requirements for a minimum of 60% seed germination of the number of plants impacted. Is it acceptable to lose 40% of important native growth? Successful establishment could take from 3 to 5 years. The performance of container plants would be considered adequate if the coastal sage restoration attains 75% of the destroyed plants in 5 years. Is a loss of 25% acceptable?

9E

On Page 5.3-72 of the revised DEIR, it is stated that the proposed project is consistent with 2 of the 3 NCCP design alternatives the City is currently evaluating. The project is not consistent with the NCCP design alternative that is preferred by environmental organizations: the alternative that would designate most of Upper Point Vicente as a reserve or conservation area.

9F

Preservation and maintenance of native habitats are far better methods for protecting communities of plants and animals than restoration. In its letter of April 5, the Wildlife Agencies "determined that the proposed (Long Point) project would have significant, unmitigated impacts on sensitive biological resources." They also stated that the project would "result in impacts that are cumulatively significant in light of past habitat losses and the small amount of remaining habitat to support sensitive species on the Palos Verdes Peninsula." We believe that the best mitigation measure is to reject all golfing activities on Upper Point Vicente.

9G

(1737 Via Boronada, Palos Verdes Estates)



AUG 30 2001

PLANNING, BUILDING,  
& CODE ENFORCEMENT

TO: THE RPV PLANNING DEPT.

FROM: JIM KNIGHT

RE: COMMENTS ON REVISED BIOLOGICAL RESOURCES DEIR VOL.

DATE: 8/29/01

**HABITAT FRAGMENTATION**

The Resource Agencies were "concerned about losing productive gnatcatcher habitat" on Upper Point Vicente to golf development. They also expressed concern over the fragmentation of habitat, saying that the habitat could become a mere "patchwork surrounding the proposed fairways within the golf course".

This DEIR has still not adequately addressed these concerns. Additional habitat will still be a patchwork around the golf greens and will still have increased edge effects.

The DEIR has not addressed the usage of CSS in front of the greens, and the impact of players hitting balls and recovering them in sensitive habitat. Signs prohibiting entry into habitat areas is not enough to stop errant golf balls or some people ignoring those signs and impacting sensitive habitat. These golf impacted areas of CSS revegetation should not be treated with the same habitat value as all other areas of existing or revegetated CSS.

10A

**GOLF CHEMICAL DEPENDENCY AND WILDLIFE**

Golf is a notoriously dirty land usage. Besides the flow of fertilizers, herbicides and rodenticides draining into the coastline just a few hundred yards away, there would be chemicals deposited on land occupied by a wide range of wildlife. It could have long term, devastating impacts on marine and terrestrial life, especially organophosphates which has been documented to interfere with the reproductive cycles of animals, including humans.

Diazinon, an organophosphate applied to golf courses on Long Island, NY in the early 1980's, killed 700 brant geese or 28% of the local wintering population. After several other ecological disasters associated with golf course use of Diazinon, the EPA finally banned it from golf courses.

Adding of soil amendments is covered by Section 404 of the Clean Water Act. To fully assess this impact, a palate of chemicals that will be used should be listed. Once the chemicals are listed, then specific problem chemicals could be banned and an enforceable pesticide/fertilizer application program could be tied into an operation agreement with the developer. The evolving method of the Water Quality Management Plan only foreordains this sensitive habitat as one big experiment. With no enforceable guidelines, we could experiment our way right out of the survival of threatened species.

10B

### **Marine Habitat**

For the marine habitat just a few hundred yards from these golf courses, nitrogen/phosphorus rich fertilizers could create an environment that favors the growth of algae. Algae both produces toxins and starves oxygen from the water. Other deadly pathogens and bacteria can also flourish as a result these fertilizers. The increased number of pathogens, combined with a weakened immune system from the urban runoff, could spell disaster for marine mammals or sensitive intertidal marine life.

Long term water quality is discussed in section 5.6-3. How will this "state of the art" pollution control neutralize chemicals and fertilizers before reaching the sea? Does it rely on electrical power? If so does it have a backup for an outage? Is it a chemical treatment? If so, what chemicals does it use, how effective is it to remove those fertilizers and is the application management plan adequate to assure no misapplications? It would only take one mistake to wipe out sensitive intertidal marine life.

BMPs for mitigations of these chemicals is too broad and in order to really assess impacts a specific chemical management plan must be put forth.

10C

### **Terrestrial Habitat**

The WQMP on p. 5.6-30 of the EIR consists of an "evolving method of managing and monitoring of turf and pests". This unspecified water quality management plan is not unlike a doctor prescribing cigarettes to his patients and taking a wait and see approach for any problems. There is must be a palate of pest control chemicals as a part of this EIR in order to assess possible chemical impacts before we loose threatened wildlife.

UPVA CSS habitat will be divided into narrow strips between the proposed golf greens increasing edge effects. Not only will this effect the nesting for birds such as the gnatcatcher, but the insects that birds feed on will no doubt stray beyond the CSS habitat parameters into this chemical cornucopia in the surrounding golf greens. Even if it does not kill the adult bird, reproductive patterns and/or vulnerable young can be affected by organophosphates

P.5.6-31 "grass clippings, which would be dried and then composted or spread along the golf course rough or wooded areas." What wooded areas? Does this mean CSS? If so, what concentration of chemicals will be composting in the CSS? What will be the effect of accumulation during dry season and high concentration leaching during wet cycles?

P.5.6-33 describes drainage of UPVA as being conveyed overland either across the golf course or thorough swales in paths that mimic existing drainage patterns. Will golf green irrigation be a direct conduit for pest control chemicals to leach into the nearby CSS?

10D

10E

P.5.3-58 discusses raptor nests only. No measures are mentioned to prevent poisoning of raptors foraging on poisoned prey.

For example, golf courses attract earth burrowing animals such as gophers when they convert hard, dry soils into a virtual paradise with their soft, moist soils. But these rodents are pests to the manicured greens required of the game and landscape management inevitably implement rodenticide eradication programs.

A common rodenticide used is the anticoagulant, Brodifacoum. Brodifacoum (d-CON, Talon-G) is a vitamin K inhibitor and creates internal bleeding. It's a slow death for the gopher leaving it easy prey for the raptors. But this can lead to massive poisoning of raptor or scavenger birds because it is bioaccumulating and can cause the same symptoms within the raptors.

This is only one reason that a chemical palate and enforceable management plan is necessary to determine impacts of this project to wildlife.

In addition, if there are pesticide granules and/or treated seeds, other seed-feeding birds could be poisoned.

Section 7.1.1 on pg. 10 of the Natural Communities Management Plan June 27, 2001 mentions the use of herbicides to control weeds but no restriction as to what herbicides can be used.

Revegetation plans do not specify whether it will be small established plants or hydroseeding. This must be determined as each has its own success rate.

And each has its own impacts depending on how it is administered. Hydroseeding many times is accompanied with the use of enzymes and fertilizers raising concerns of chemical introduction. If this is used, how will it effect wildlife? How much chemical runoff will occur and will it impact the El Segundo Blue and/or the native ants that play an important role in their life cycle?

### **NEW PLANS ARE NOT A PART OF THIS DEIR**

How does this DEIR take into account changes in the golf plan for this project? During this comment period, the developer has presented a new golf plan which includes new grading plans with new locations for golf holes on UPVA and the relocation of the practice facility with two new holes replacing it. We can only comment on the old plan as set forth in this DEIR and have no opportunity to study impacts of the new plan.

It was only three days after the Planning Commission gave direction to the developer that this new plan was stamped received by the Planning Dept. There was little time for the City's sub-consultants to prepare statements on biological impacts and no opportunity for the public to comment.

Revised plans must be opened up for public comments and peer review otherwise the final EIR on biological issues will be based upon false information. This also applies to golf safety issues.

10F

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10H

10I

## **GNATCATCHER HABITAT IMPACTS**

"Indirect Impacts" on p. 5.3-68 has no mention of grading activity impacts, (noise dust, etc.) on existing gnatcatcher nests. It only mentions restricting removal of sage scrub during breeding season.

P. 1 of Natural Communities Management Plan (15.3.8) states 'Proposed project grading would remove approximately 2.1 acres of CSS used by two of the gnatcatchers pairs observed in 2001.' Despite the CSS restoration numbers associated with this project, this grading plan impacts 50% of all gnatcatcher nests observed on UPVA. This should be considered significant.

If one overlays the map of observed gnatcatcher nest locations prepared by Natural Resource Consultants in their April 27, 2001 letter (15.3.4 Results of Focused Coastal Calif. Gnatcatcher Surveys) and compares it to the golf plan, one can see there is significant overlapping of territory, especially nests #3 and #4. Grading activities will have an even wider impact. To clearly see this impact there must be a composite map showing grading and golf green construction overlapping this gnatcatcher nest map.

10J

## **OTHER ISSUES**

P. 3 of Bon Terra report mentions ashy-leaved buckwheat as host plant for El Segundo Blue.

P. 5.3-58 has peregrine falcon crossed out as potential to nest on the Project site. Yet on p. 31 of the Bon Terra report 2/1/01 they say that UPVA and RHA provide suitable foraging and potentially suitable nesting habitat for the peregrine falcon.

10K

10L



1. The Palos Verdes South Bay Group of the Sierra Club appreciates the opportunity to comment on the revised Biological Section of the Long Point EIR.

2. IMPACTS

- a. POTENTIAL TO DEGRADE QUALITY HABITAT

- i. Grading and Construction

- (1) The Biological Revision removed statement (5.3-2e) "Prior to the issuance of Building Permits, areas adjacent to golf course activities shall be protected in compliance with City requirements." Why was this removed?

11A

- ii. INTRODUCTION OF NON-NATIVE SPECIES

- (1) Would the plant palette for the landscaping of the resort and golf course themselves include any plants with the potential to be invasive? The entire plant palette for the project needs to be reviewed , commented on, and approved by the wildlife agencies (CDFG and USFWS) and CNPS before the project is approved.

11B

- (a) Developed areas tend to attract common pest species such as ants, rats, pigeons, crows, English sparrows, and starlings. The significant adverse impact of these species on wildlife and habitat areas has not been addressed in this EIR.

11C

- (2) As stated by Dr. Travis Longcore, " Mechanical clearing, grading, and fire clearance all promote the spread of Mediterranean grasses, the seeds of which are spread along roads and with human movement. Irrigation also promotes exotic grasses, as well as the non-native Argentine Ant (*Linepithema humile*), European Earwig (*Forficula auricularia*), Dooryard Sowbug (*Armadillidium vulgare*), and other exotic species. There is an extensive literature on the impact of Argentine Ants on native fauna, with many studies completed in southern California. These invasive species have been documented to exclude native ant species, depriving native reptiles of major food sources. Argentine Ants inevitably accompany human development and may invade hundreds of meters into undisturbed habitat, in which area they significantly reduce native arthropod diversity. Earwigs and sowbugs are likewise correlated with lowered native arthropod diversity. These impacts are significant, they resonate up the food chain, and there is no known mitigation other than avoidance. Once disturbed, graded, and occupied by humans, there is nothing that can be done to minimize the impact, which extends up to 200 meters into otherwise undisturbed habitats."1. Dr Longcore further states that, "Argentine ants may be found on the project site already, but the explosion in numbers associated with permanent irrigation will wreak havoc on native arthropod communities. This is shown by consistent decreases in native arthropod diversity in response to increased Argentine ant abundance. Argentine ants would displace native ants surrounding the project site. This extirpation reverberates up the food chain, as some native reptiles (e.g., coast horned lizard) preferentially feed on native ants and decline in their absence." 2.

11D

- (3) The fragmentation of existing habitat by irrigated golf holes promises ecological disaster because of this relationship of Argentine ants to irrigation. To make matters worse, Section (10.0) of this EIR specifies "periodic irrigation of existing and restored coastal sage scrub adjacent to development areas". For the very reasons just mentioned, this is not a viable proposal. Not only would habitat be severely impacted by the irrigation of the interspersed golf holes, but direct irrigation of the habitat areas themselves would hasten the severe impacts that Dr. Longcore describes. An invasive Argentine ant population would also create problems by boosting problems with other insect pests such as aphids and scale. In addition to the Argentine ants, fire ants have also been shown to prefer irrigated sites. Once the natural insect population is distorted, the use of pesticides to manage insect pests would become more tempting. If pesticides are used, there will be even more of a detriment to the native species. Additionally, out-of-season watering may cause over abundant plant growth or disease. Thus,

	a cascade of events could be triggered by irrigation, destroying existing habitat.	11D
iii.	Night Lighting	
(1)	“Artificial night lighting has profound effects on natural communities by altering nighttime behavior of both vertebrates and invertebrates, inducing changes in physiology in animals and plants, and even causing direct mortality. For example, night lighting can change bird community composition by increasing American crow abundance.” <sup>3</sup>	11E
(2)	“Research from northern California indicates that crows prefer to roost in areas with artificial night lighting. It is hypothesized that artificial lighting allows them to reduce predation from owls.” “Groups of crows ..... frequently harass and attack raptors in their home range.” “Crows are also well-documented nest predators, stealing eggs and chicks from active nests.” <sup>4</sup>	
b.	SUBSTANTIALLY REDUCE HABITAT	
i.	This EIR claims that 14.63 acres existing CSS that would be “preserved”. This area of CSS is on public land and is already preserved, therefore it cannot count as mitigation for a private development. The implementation of this project would in fact degrade this high quality habitat due to the significant effects of fragmentation, irrigation, invasion of non-native species, and other intense edge effects.	11F
ii.	The EIR claims that 16.9 acres of CSS habitat would be created. However, these new areas would not have as rich a diversity of plants or wildlife as existing habitat. Additionally, until the new plantings have matured, these areas cannot be expected to function as habitat for displaced wildlife. Like the areas mentioned above, these areas would be fragmented and subject to adverse edge effects.	
iii.	Furthermore, there is no guarantee that these “created” CSS areas would ever function as high quality habitat. According to Dr. Travis Longcore, “Ecological restoration is difficult at best and many projects fail for many reasons. ... Research from coastal sage scrub showed that in the case of three restoration projects, native arthropod diversity was significantly lower at restoration sites (even up to ten years old) than at comparable reference sites. This lower diversity probably results from a combination of site history and the continuing effect of invasive arthropods.” <sup>69</sup> ... While revegetation projects can be implemented that are successful in providing habitat for endangered bird species, the overall biodiversity of the created habitat is lower and does not serve to mitigate the losses to the sensitive vegetation.” <sup>5</sup> He also states, “Not one of three coastal sage scrub restoration projects that I have studied in detail (two of which were in the coastal zone) supported arthropod communities similar to native scrub.” <sup>6</sup> Dr. Longcore has expressed the opinion that “The time has come to include more than plants in the performance criteria for habitat enhancements performed as compensatory mitigation; inclusion of arthropods, small mammals, reptiles, or birds in restoration monitoring schemes could improve the long-term prospect of the recreation of a native habitat.” <sup>7</sup>	11G
iv.	Much of the acreage which would be removed in order to “create” new CSS habitat is now annual grassland. USFWS and CDFG stated in their comments to the DEIR that, “We recommend impacts to annual grassland be mitigated at a minimum 1:1 ratio”. No such mitigation is provided by this EIR.	11H
v.	Fuel modification plans need to be presented, reviewed, commented on, and approved by the public, agencies, and City before the project is approved. Fuel modification areas should not be taken from habitat areas.	11I
c.	ADVERSE EFFECTS TO SPECIAL STATUS SPECIES	
i.	Special status plant mitigation programs should be developed, reviewed, and approved by the public, the agencies, and the city before the project itself is approved or any City exemptions or permits are granted.	11J
ii.	The grading of Phase II of this plan would remove 2.1 acres of coastal sage scrub, and 2.7 acres of chenopod scrub which are currently used by two pairs of gnatcatchers (50% of the gnatcatcher	11K

	population on site). This total acreage, 4.8 acres of scrub, is approximately 25% of the scrub on site. Such a huge percentage of loss of existing habitat is not acceptable and could not be immediately replaced.	11K
iii.	<p>This EIR seems to base many of its determinations of “Less Than Significant Impact” on the premise that if a population of a species exists somewhere else, the loss of that population locally does not matter. We strongly disagree with this rationale. Dr. Travis Longcore has stated that “the loss of whole populations of rare sensitive species significantly increases the possibility of extinction. ... risk of catastrophic events for the species is concentrated in fewer locations. In lay terms, the plant has its “eggs in fewer baskets.” This does represent a significant impact on the species and its prospects for survival”. 8.</p> <p>Additionally, this EIR never makes clear the boundaries of the regions it is considering in making such determinations, nor does it supply any factual data on these non-local populations. Furthermore, in order to make such a determination, cumulative impacts of all current and proposed developments in these larger regions must be detailed and analyzed. This EIR fails to do this. CEQA requires that cumulative impacts be addressed.</p>	11L
d.	INTERFERENCE WITH WILDLIFE MOVEMENT	
i.	This EIR fails to provide any factual data regarding wildlife movement on site . Maps should be provided for each species showing both current and projected movement routes.	11M
e.	THREATEN TO ELIMINATE PLANT/ANIMAL COMMUNITY	
i.	No reason was given for the removal of the statement that “appropriate habitat for some species may not be available on the Project site after construction. As a result, some species may be extirpated from the Project site.” (P. 5.3-66) Perhaps the only reason for the removal of this statement is that it provides a strong argument against the proposed project.	11N
f.	CONFLICT WITH NCCP/LPHCP	
(1)	The claim that the Preliminary Draft Natural Communities Management Plan is coordinated with the NCCP has no basis in fact since the NCCP has not been approved and since this project is in conflict with Alternative 1, The Environmentally Preferred Alternative of the proposed NCCP.	
(2)	Section 5.3-5 which addresses the projects consistency with the NCCP is deliberately deceptive. To claim that the proposed project is consistent with “ 2 out of 3” of the NCCP alternatives conveniently ignores the fact that the proposed project is:	11O
(a)	<b>not</b> consistent with NCCP Alternative A, “The Environmentally Preferred Alternative	
(b)	only consistent with Developer’s Preferred Alternative and the City’s Modification of the Developer’s Preferred Alternative	
3.	MITIGATION	
a.	We would like to see confirmation from the agencies and CNPS that the variety and quantities of plant species and mycorrhizae listed for revegetation are appropriate and complete and evidence that these species and mycorrhizae would indeed be available before this plan is approved. The plant species proposed for revegetation should match the historical diversity of the site.	11P
b.	The plan for Phase I states that it is to restore 9.6 acres “less construction access and staging areas”, which will be restored later. Such a vague designation of total area to be restored in the preliminary phase of the project, makes the dubious promise of providing functional habitat replacement before grading begins even more flimsy.	11Q
4.	ADDITIONAL COMMENTS	
a.	Trails	
i.	We are not satisfied that the issues of access and safety on the “public trails” has been adequately	11R

demonstrated in this EIR or in subsequent revisions to this Plan, including the plan most recently presented at the August 28, 2001 Planning Commission Meeting. There is still no specific assurance of hours when these trails will be accessible to the public. Individual hikers have reported problems at similar developments in this area with guards denying public use and acting in an intimidating manner. We want to be assured that this would never be allowed to happen on this development.

- ii. Even more importantly, public trails must not carry an assumed risk of being hit by a golf ball, or run into by a golf cart or maintenance vehicle.
- iii. Additionally, there is a considerable problem of the impact of loss of the quality of being in a natural setting which is extremely important to many of us who hike, run, bicycle, or simply enjoy discovering the natural wildlife of the area. Transforming the natural habitat into an artificial manicured park setting would destroy this quality completely. To compound the impact, the need to share the trails with golf carts and maintenance vehicles continually degrades and interrupts any possible tranquility that would otherwise be available in a natural setting. Maintenance vehicles are particularly annoying both because of their size and potential hazard to hikers and because of their exhaust. Hikers need to move to the side of the trail (potentially even off trail, which could damage designated habitat areas) and then get the reward of breathing in the vehicle's exhaust. In such a setting, it is always made clear to the hikers that they are like the unwanted stepchildren. The quality of our experience is a much lower priority than that of the pampered golfers.
- iv. It is extremely difficult to comment specifically to the detail of a trail plan which is constantly in flux. At present we are waiting for the developer's next revision, which will presumably be presented at the next Planning Commission Meeting.
- v. This analysis is incomplete because it does not fully analyze the actual impacts of each alternative.

11R

## 5. CONCLUSION

This proposed project not only threatens severe impacts to CSS habitat on Upper Point Vicente, but it also may prevent the City from being able to acquire more than 700 acres of land in Portuguese Bend. The City is requesting \$30-million in state funding for the purchase of the Portuguese Bend property. However, the California Department of Fish and Game seems to be concerned about the City's stewardship of its open space land. Field Supervisor Bill Tippetts is quoted in the August 18, 2001 issue of the Palos Verdes Peninsula News as saying, "The department has had concerns about what is proposed for development, and we want to make sure, in the long run, the city has the lands necessary for the NCCP."

11S

Barry Holchin

Conservation Chair  
Palos Verdes South Bay Group  
Sierra Club

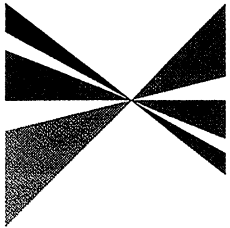


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August 22, 2001

Mr. David Snow, AICP  
City of Rancho Palos Verdes  
Department of Planning, Building and Code Enforcement  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

RE: **Comments on the Revised Biological Resources Section of the Draft Environmental Impact Report for the Long Point Resort Project – SCAG No. I 20010051 (Revised Section)**

Dear Mr. Snow:

Thank you for submitting the **Revised Biological Resources Section of the Draft Environmental Impact Report for the Long Point Resort Project** to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies

It is recognized that the purpose of the Project considers the development of a full service hotel providing approximately 582 guestrooms, restaurants/bars and meeting/function spaces. In addition, approximately 31.6 acres of conserved/enhanced habitat are proposed along with, 81.2 acres of public open space facilities, public parking, shoreline access ramps, public parks/overlooks, public walking/hiking trails, a public golf practice facility and a 9-hole public use golf course. The proposed Project generally involves two geographic areas, the Resort Hotel Area (RHA) and the Upper Point Vicente Area (UPVA) and encompasses approximately 168.4 acres in the City of Rancho Palos Verdes.

The Revised Biological Resources Section of the Draft Environmental Impact Report for the Long Point Resort Project consists of textural clarifications resulting from public comments on the Draft EIR and survey data compiled during the Draft EIR review period.

The highlighted changes in the Revised Biological Section, does not change SCAG's comments, as outlined in our letter to you dated March 28, 2001. SCAG ancillary policy 3.20 is applicable to the Revised Biological Resources Section. A copy of the letter is attached for your review and consideration.

If you have any questions regarding the attached comments, please contact me at (213) 236-1867. Thank you.

Sincerely,

JEFFREY M. SMITH, AICP  
Senior Planner,  
Intergovernmental Review

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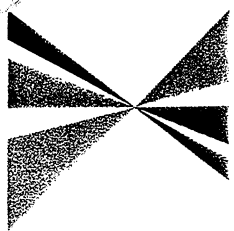
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Ventura County Transportation Commission: Bill Davis, Simi Valley

12A

SOUTHERN CALIFORNIA



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Sims Valley • Toni Young, Port Hueneme

Riverside County Transportation Commission:  
Robin Lowe, Hemet

Ventura County Transportation Commission:  
Bill Davis, Simi Valley

March 28, 2001

Mr. David Snow, AICP  
City of Rancho Palos Verdes  
Department of Planning, Building and Code Enforcement  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

RE: **Comments on the Draft Environmental Impact Report for the Long Point  
Resort Project – SCAG No. I 20010051**

Dear Mr. Snow:

Thank you for submitting the **Draft Environmental Impact Report for the Long Point  
Resort Project** to SCAG for review and comment. As areawide clearinghouse for  
regionally significant projects, SCAG assists cities, counties and other agencies in  
reviewing projects and plans for consistency with regional plans.

The attached detailed comments are meant to provide guidance for considering the  
proposed project within the context of our regional goals and policies. If you have any  
questions regarding the attached comments, please contact me at (213) 236-1867. Thank  
you.

Sincerely,

JEFFREY M. SMITH, AICP  
Senior Planner,  
Intergovernmental Review

**COMMENTS ON THE  
DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE  
LONG POINT RESORT PROJECT  
SCAG NO. I 20010051**

**PROJECT DESCRIPTION**

The proposed Project considers the development of a full service hotel providing approximately 582 guestrooms, restaurants/bars and meeting/function spaces. In addition, approximately 31.6 acres of conserved/enhanced habitat are proposed along with, 81.2 acres of public open space facilities, public parking, shoreline access ramps, public parks/overlooks, public walking/hiking trails, a public golf practice facility and a 9-hole public use golf course. The proposed Project generally involves two geographic areas, the Resort Hotel Area (RHA) and the Upper Point Vicente Area (UPVA) and encompasses approximately 168.4 acres in the City of Rancho Palos Verdes

**INTRODUCTION TO SCAG REVIEW PROCESS**

The document that provides the primary reference for SCAG's project review activity is the Regional Comprehensive Plan and Guide (RCPG). The RCPG chapters fall into three categories: core, ancillary, and bridge. The Growth Management (adopted June 1994), Regional Transportation Plan (adopted April 1998), Air Quality (adopted October 1995), Hazardous Waste Management (adopted November 1994), and Water Quality (adopted January 1995) chapters constitute the core chapters. These core chapters respond directly to federal and state planning requirements. The core chapters constitute the base on which local governments ensure consistency of their plans with applicable regional plans under CEQA. The Air Quality and Growth Management chapters contain both core and ancillary policies, which are differentiated in the comment portion of this letter. The Regional Transportation Plan (RTP) constitutes the region's Transportation Plan. The RTP policies are incorporated into the RCPG.

Ancillary chapters are those on the Economy, Housing, Human Resources and Services, Finance, Open Space and Conservation, Water Resources, Energy, and Integrated Solid Waste Management. These chapters address important issues facing the region and may reflect other regional plans. Ancillary chapters, however, do not contain actions or policies required of local government. Hence, they are entirely advisory and establish no new mandates or policies for the region.

Bridge chapters include the Strategy and Implementation chapters, functioning as links

between the Core and Ancillary chapters of the RCPG.

Each of the applicable policies related to the proposed project are identified by number and reproduced below in italics followed by SCAG staff comments regarding the consistency of the Project with those policies.

### **SUMMARY OF SCAG STAFF COMMENTS**

1. The Draft Environmental Impact Report for the Long Point Resort Project is consistent with or supports many of the core and ancillary policies in the Regional Comprehensive Plan and Guide.
2. The Draft EIR does provide a discussion on the relationship of the proposed project to **applicable regional plans** as required by Section 15125 [d] of *Guidelines for Implementation of the California Environmental Quality Act*. This discussion is on the Air Quality Management Plan. However, discussion in the Draft EIR is lacking of the consistency of the project with additional applicable regional plans, specifically the *Regional Transportation Plan, and the Regional Comprehensive Plan and Guide* (which incorporates references to policies in the other regional plans).
3. The Draft EIR, on page 5.2-19, references SCAG's RCPG and selected policies including 3.12, 3.13, 3.16 and 3.24. Although the policies are mentioned, a consistency analysis for each policy is not provided.
4. The Draft EIR, on page 1-7, suggests that a consistency analysis of SCAG policies can be found in Section 5.7 (Land Use and Relevant Planning). Upon review of this Section, the policies and consistency analysis are not provided. It would be helpful if the policies and consistency analysis were addressed as outlined in SCAG's, August 2, 2000 Comment Letter on the NOP for this proposed Project. The Final EIR should address the relationships (consistency with core policies and support of ancillary policies) to SCAG's Regional Comprehensive Plan and Guide, utilizing commentary from the following detailed SCAG staff comments. A side-by-side comparison of SCAG policies with a discussion of the consistency or support of each policy should be provided as provided in Table 5.7-2, General Plan Consistency Analysis.
5. The Final EIR should address the relationships (consistency with core policies and support of ancillary policies) to SCAG's Regional Comprehensive Plan and Guide, utilizing commentary from the following detailed SCAG staff comments. The response should also discuss any inconsistencies between the proposed project and applicable regional plans. We suggest that you identify the specific policies, by policy number, with a discussion of consistency or support with each policy.

## **CONSISTENCY WITH REGIONAL COMPREHENSIVE PLAN AND GUIDE POLICIES**

**The Growth Management Chapter (GMC)** of the Regional Comprehensive Plan and Guide contains a number of policies that are particularly applicable to the Long Point Resort Project.

### **Core Growth Management Policies**

*3.01 The population, housing, and jobs forecasts, which are adopted by SCAG's Regional Council and that reflect local plans and policies, shall be used by SCAG in all phases of implementation and review.*

SCAG staff comments. The Draft EIR does not reference SCAG's Population, Household and Employment forecasts for the South Bay Cities Council of Governments subregion and the City of Rancho Palos Verdes. These forecasts are as follows:

#### **South Bay Cities**

##### **Subregional**

<b>Forecasts</b>	<b>2000</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>
Population	857,700	872,200	884,600	902,900	925,600
Households	300,000	304,200	310,800	317,100	328,200
Employment	450,200	478,300	500,500	524,600	554,400

#### **City of Rancho**

##### **Palos Verdes**

<b>Forecasts</b>	<b>2000</b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>
Population	13,700	13,700	13,800	13,800	13,800
Households	5,000	5,000	5,100	5,100	5,200
Employment	2,300	2,300	2,400	2,400	2,400

It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive of or detracts from the achievement of this policy. Based on the information provided in the Draft EIR, we are unable to determine whether the Project is consistent with this core RCPG policy.

*3.03 The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by SCAG to implement the region's growth policies.*

SCAG staff comments. The Draft EIR, on page 3-29 suggests that the

construction of the proposed Project will be completed in five phases, with a construction period consisting of 24 months. Site preparation, grading and construction of improvements and infrastructure are scheduled for Phase 1. The Project is consistent with this core RCPG policy.

The **Regional Transportation Plan (RTP)** also has goals, objectives, policies and actions pertinent to this proposed project. This RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. Among the relevant goals, objectives, policies and actions of the RTP are the following:

#### **Core Regional Transportation Plan Policies**

##### ***4.01 Transportation investments shall be based on SCAG's adopted Regional Performance Indicators.***

**SCAG staff comments.** The Draft EIR does not address Transportation Investments based on the following SCAG adopted Regional Performance Indicators:

***Mobility - Transportation Systems should meet the public need for improved access, and for safe, comfortable, convenient and economical movements of people and goods.***

- ***Average Work Trip Travel Time in Minutes – 22 minutes***
- ***PM Peak Highway Speed – 33 mph***
- ***Percent of PM Peak Travel in Delay (All Trips) – 33%***

***Accessibility - Transportation Systems should ensure the ease with which opportunities are reached. Transportation and land use measures should be employed to ensure minimal time and cost.***

- ***Work Opportunities within 25 Minutes – 88%***

***Environment - Transportation Systems should sustain development and preservation of the existing system and the environment. (All Trips)***

- ***Meeting Federal and State Standards – Meet Air Plan Emission Budgets***

***Reliability - Reasonable and dependable levels of service by mode. (All Trips)***

- ***Transit – 63%***
- ***Highway – 76%***

*Safety - Transportation Systems should provide minimal, risk, accident, death and injury. (All Trips)*

- *Fatalities Per Million Passenger Miles – 0.008*
- *Injury Accidents – 0.929*

*Livable Communities - Transportation Systems should facilitate Livable Communities in which all residents have access to all opportunities with minimal travel time. (All Trips)*

- *Vehicle Trip Reduction – 1.5%*
- *Vehicle Miles Traveled Reduction – 10.0%*

*Equity - The benefits of transportation investments should be equitably distributed among all ethnic, age and income groups. (All trips)*

- *Low-Income (Household Income \$12,000)) Share of Net Benefits – Equitable Distribution of Benefits*

*Cost-Effectiveness - Maximize return on transportation investment. (All Trips)*

- *Net Present Value – Maximum Return on Transportation Investment*
- *Value of a Dollar Invested – Maximum Return on Transportation Investment*

The Final EIR should address the manner in which the Project is supportive of or detracts from the achievement of the eight core RTP objectives. Based on the information provided, we are unable to determine whether the Project is consistent with this core RCPG policy.

**4.02** *Transportation investments shall mitigate environmental impacts to an acceptable level.*

SCAG staff comments. The Draft EIR, in Section 5.12 (Traffic and Circulation), identifies traffic impacts. The analysis concludes that there may be significant impacts and mitigation measures are required. The Draft EIR recommends eight mitigation measures that may provide efficient and safe access to-and-from the project site. The Project is consistent with this core RCPG policy.

**4.04** *Transportation Control Measures shall be a priority.*

SCAG staff comments. The Draft EIR does not provide a discussion on transportation control measures. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive of or detracts from the achievement of this policy. Based on the information provided in the Draft EIR, we are unable to determine whether the Project is consistent with

this core RCPG policy.

**4.16 *Maintaining and operating the existing transportation system will be a priority over expanding capacity***

SCAG staff comments. See SCAG staff comments on policy 4.02. The existing transportation system will be maintained and not expanded. The Project is consistent with this core RTP policy.

**GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE REGIONAL STANDARD OF LIVING**

The Growth Management goals to develop urban forms that enable individuals to spend less income on housing cost, that minimize public and private development costs, and that enable firms to be competitive, strengthen the regional strategic goal to stimulate the regional economy. The evaluation of the proposed project in relation to the following policies would be intended to guide efforts toward achievement of such goals and does not infer regional interference with local land use powers

**3.05 *Encourage patterns of urban development and land use, which reduce costs on infrastructure construction and make better use of existing facilities.***

SCAG staff comments. The Draft EIR, in Section 5.11 (Public Services and Utilities) acknowledges that the proposed Project will maximize the use of existing services and infrastructure. Service and Utility agencies indicate that there is adequate capacity. The Project is supportive of this ancillary RCPG policy.

**3.09 *Support local jurisdictions' efforts to minimize the cost of infrastructure and public service delivery, and efforts to seek new sources of funding for development and the provision of services.***

SCAG staff comments. See SCAG staff comments on policy 3.05. The Project is supportive of this ancillary RCPG policy.

**3.10 *Support local jurisdictions' actions to minimize red tape and expedite the permitting process to maintain economic vitality and competitiveness.***

SCAG staff comments. The Draft EIR addresses subjects that may have environmental impacts. It is written in a manner, where all possible impacts are mitigated this will help minimize red tape, and help maintain the economic vitality and competitiveness of the City of Rancho Palos Verdes. In addition, the Draft



EIR, on page 3-25, includes project objectives that will also help to minimize red tape, and help maintain the economic vitality and competitiveness of the Rancho Palos Verdes. A description of approvals and permits required to implement the proposed Project are on page 3-34 of the Draft EIR. The permits and approvals will also help to maintain economic vitality and competitiveness. The Project is supportive of this ancillary RCPG policy.

### **GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE THE REGIONAL QUALITY OF LIFE**

The Growth Management goals to attain mobility and clean air goals and to develop urban forms that enhance quality of life, that accommodate a diversity of life styles, that preserve open space and natural resources, and that are aesthetically pleasing and preserve the character of communities, enhance the regional strategic goal of maintaining the regional quality of life. The evaluation of the proposed project in relation to the following policies would be intended to provide direction for plan implementation, and does not allude to regional mandates.

- 3.12 *Encourage existing or proposed local jurisdictions' programs aimed at designing land uses which encourage the use of transit and thus reduce the need for roadway expansion, reduce the number of auto trips and vehicle miles traveled, and create opportunities for residents to walk and bike.*

SCAG staff comments. The Draft EIR does not provide a discussion on public transit services that may serve the proposed Project. The proposed Project provides opportunities for users to walk and bike. However, the Draft EIR does not provide a discussion on opportunities for residents to walk or bike to the proposed Project. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive of or detracts from the achievement of this policy. Based on the information provided in the Draft EIR, we are unable to determine whether the Project is supportive of this ancillary RCPG policy.

- 3.13 *Encourage local jurisdictions' plans that maximize the use of existing urbanized areas accessible to transit through infill and redevelopment.*

SCAG staff comments. See SCAG staff comments on policy 3.12. The proposed Project is an example of infill development. However, the Draft EIR does not provide a discussion on the proposed Project's accessibility to transit. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive of or detracts from the achievement of this policy.

Based on the information provided in the Draft EIR, we are unable to determine whether the Project is supportive of this ancillary RCPG policy

- 3.14 *Support local plans to increase density of future development located at strategic points along the regional commuter rail, transit systems, and activity centers.*

SCAG staff comments. The proposed Project is an example of a major commercial project with access to nearby activity centers. The Draft EIR discusses the proposed Project in the Project Description section. This section describes the proposed Project in relation to density, and development of the proposed Project adjacent to complimentary projects. The Project is supportive of this ancillary RCPG policy.

- 3.16 *Encourage developments in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.*

SCAG staff comments. See SCAG staff comments on policies 3.13 and 3.14. The Project is partially supportive of this ancillary RCPG policy.

- 3.18 *Encourage planned development in locations least likely to cause adverse environmental impact.*

SCAG staff comments. The Project is proposed in a manner that will minimize environmental impacts. Mitigation measures included in the Draft EIR have been recommended to address identified impacts. The City of Rancho Palos Verdes should carefully consider the adequacy of these measures. The Project is supportive of this ancillary RCPG policy.

- 3.20 *Support the protection of vital resources such as wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and endangered plants and animals.*

SCAG staff comments. The Draft EIR in Section 5.3 (Biological Resources) provides a discussion on the biological character of the Project site and potential impacts to special status biological resources, sensitive natural communities/habitats and wildlife movement. The proposed Project will impact the aforementioned items. The Draft EIR recommends 17 mitigation measures that specifically address these impacts. The City of Rancho Palos Verdes should carefully consider the adequacy of these measures. The Project is supportive of this ancillary RCPG policy.

**3.21 *Encourage the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites.***

SCAG staff comments. The Draft EIR in Section 5.4 (Cultural Resources) provides discussions on archaeological/historical and paleontological resources, and burial sites. Impacts to resources will be mitigated by 15 mitigation measures recommended in the Draft EIR. The Project is supportive of this ancillary RCPG policy.

**3.22 *Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.***

SCAG staff comments. The Draft EIR, in Section 5.5 (Geology, Soils and Seismicity) discusses potential impacts related to seismicity, soils, and unstable geologic units. Mitigation measures included in this section have been recommended to address identified impacts through the implementation of studies, building codes and specific requirements and/or project design. The Project is supportive of this ancillary RCPG policy.

**3.23 *Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans***

SCAG staff comments. See SCAG staff comments on policies 3.18, 3.20 and 3.22. The Draft EIR, in Section 5.9 (Noise), identifies noise impacts due to construction, mobile and stationary sources. Mitigation measures described in this section have been recommended to address the identified impacts. The Project is supportive of this ancillary RCPG policy.

**GMC POLICIES RELATED TO THE RCPG GOAL TO PROVIDE SOCIAL, POLITICAL, AND CULTURAL EQUITY**

The Growth Management Goal to develop urban forms that avoid economic and social polarization promotes the regional strategic goal of minimizing social and geographic disparities and of reaching equity among all segments of society. The evaluation of the proposed project in relation to the policy stated below is intended guide direction for the accomplishment of this goal, and does not infer regional mandates and interference with local land use powers.

- 3.27 *Support local jurisdictions and other service providers in their efforts to develop sustainable communities and provide, equally to all members of society, accessible and effective services such as: public education, housing, health care, social services, recreational facilities, law enforcement, and fire protection.*

SCAG staff comments. See SCAG staff comments on policy 3.05. The Draft EIR, Section 5.11 (Public Services and Utilities) suggests that the proposed Project could have impacts on police and fire services. Mitigation measures in the form of avoidance or the provision of a heli-pad, design review and standards will help to mitigate the identified impacts. The Project is supportive of this ancillary RCPG policy.

### **AIR QUALITY CHAPTER CORE ACTIONS**

The Air Quality Chapter (AQC) core actions that are generally applicable to the Project are as follows:

- 5.07 *Determine specific programs and associated actions needed (e.g., indirect source rules, enhanced use of telecommunications, provision of community based shuttle services, provision of demand management based programs, or vehicle-miles-traveled/emission fees) so that options to command and control regulations can be assessed.*

SCAG staff comments. See SCAG staff comments on policy 4.04. The Draft EIR, does not provide a discussion on programs and actions. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive of or detracts from the achievement of this policy. Based on the information provided in the Draft EIR, we are unable to determine whether the Project is consistent with this core RCPG policy.

- 5.11 *Through the environmental document review process, ensure that plans at all levels of government (regional, air basin, county, subregional and local) consider air quality, land use, transportation and economic relationships to ensure consistency and minimize conflicts.*

SCAG staff comments. The Draft EIR, Section 5.2 (Air Quality) addresses consistency of the proposed Project with regional and local air quality regulations and includes mitigation measures for impacts to air quality. The Project is consistent with this core RCPG policy.

## **WATER QUALITY CHAPTER RECOMMENDATIONS AND POLICY OPTIONS**

The Water Quality Chapter core recommendations and policy options relate to the two water quality goals: to restore and maintain the chemical, physical and biological integrity of the nation's water; and, to achieve and maintain water quality objectives that are necessary to protect all beneficial uses of all waters.

*11.02 Encourage "watershed management" programs and strategies, recognizing the primary role of local government in such efforts.*

SCAG staff comments. The Draft Program EIR does not address the subject of "watershed management" programs and strategies. It would be helpful if the Final PEIR would provide a discussion and address the manner in which the Project is supportive of or detracts from the achievement of this policy. Based on the information provided in the Draft Program EIR, we are unable to determine whether the Project is consistent with this core RCPG policy.

*11.07 Encourage water reclamation throughout the region where it is cost-effective, feasible, and appropriate to reduce reliance on imported water and wastewater discharges. Current administrative impediments to increased use of wastewater should be addressed.*

SCAG staff comments. The California Water Service Company does not currently provide reclaimed water services for the proposed Project site. In the event that services are made available to the proposed Project site prior to construction, the proposed Project will utilize this service for golf course and landscape irrigation. The Project is consistent with this core RCPG policy.

## **OPEN SPACE CHAPTER ANCILLARY GOALS**

### **Outdoor Recreation**

*9.01 Provide adequate land resources to meet the outdoor recreation needs of the present and future residents in the region and to promote tourism in the region.*

SCAG staff comments. The Draft EIR in Sections 3.0 (Project Description) and 5.7 (Land Use) suggests that the proposed Project has adequate land resources to meet outdoor recreation needs. The project is supportive of this ancillary RCPG goal.

**9.02**     *Increase the accessibility to open space lands for outdoor recreation.*

SCAG staff comments. See SCAG staff comments for goal 9.01. The Project is supportive of this ancillary RCPG goal.

**9.03**     *Promote self-sustaining regional recreation resources and facilities.*

SCAG staff comments. See SCAG staff comments for goal 9.01. The Project is supportive of this ancillary RCPG goal.

**CONCLUSIONS**

1. As noted in the staff comments, the Draft Environmental Impact Report for the Long Point Resort Project is consistent with or supports many of the core and ancillary policies in the Regional Comprehensive Plan and Guide.

Based on the information in the Draft EIR, we are unable to determine whether the Project is consistent with core policies 3.01, 4.01, 4.04, 5.07 and 11.02. Based on the information in the Draft EIR, we are unable to determine whether the Project is supportive of ancillary policies 3.12 and 3.13. Based on the information in the Draft EIR, the Project is partially supportive of ancillary policy 3.16

2. As noted in the General Staff Comments, the Final EIR should address the relationships (consistency with core policies and support of ancillary policies) to SCAG's Regional Comprehensive Plan and Guide and discuss any inconsistencies between the proposed project and applicable regional plans.
3. All mitigation measures associated with the project should be monitored in accordance with CEQA requirements.

## SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

### *Roles and Authorities*

**THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS** is a *Joint Powers Agency* established under California Government Code Section 6502 et seq. Under federal and state law, the Association is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). Among its other mandated roles and responsibilities, the Association is:

Designated by the federal government as the Region's *Metropolitan Planning Organization* and mandated to maintain a continuing, cooperative, and comprehensive transportation planning process resulting in a Regional Transportation Plan and a Regional Transportation Improvement Program pursuant to 23 U.S.C. '134(g)-(h), 49 U.S.C. '1607(f)-(g) et seq., 23 C.F.R. '450, and 49 C.F.R. '613. The Association is also the designated *Regional Transportation Planning Agency*, and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) under California Government Code Section 65080.

Responsible for developing the demographic projections and the integrated land use, housing, employment, and transportation programs, measures, and strategies portions of the *South Coast Air Quality Management Plan*, pursuant to California Health and Safety Code Section 40460(b)-(c). The Association is also designated under 42 U.S.C. '7504(a) as a *Co-Lead Agency* for air quality planning for the Central Coast and Southeast Desert Air Basin District.

Responsible under the Federal Clean Air Act for determining *Conformity* of Projects, Plans and Programs to the State Implementation Plan, pursuant to 42 U.S.C. '7506.

Responsible, pursuant to California Government Code Section 65089.2, for *reviewing all Congestion Management Plans (CMPs) for consistency with regional transportation plans* required by Section 65080 of the Government Code. The Association must also evaluate the consistency and compatibility of such programs within the region.

The authorized regional agency for *Inter-Governmental Review* of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12,372 (replacing A-95 Review).

Responsible for reviewing, pursuant to Sections 15125(b) and 15206 of the CEQA Guidelines, *Environmental Impact Reports* of projects of regional significance for consistency with regional plans.

The authorized *Areawide Waste Treatment Management Planning Agency*, pursuant to 33 U.S.C. '1288(a)(2) (Section 208 of the Federal Water Pollution Control Act)

Responsible for preparation of the *Regional Housing Needs Assessment*, pursuant to California Government Code Section 65584(a).

Responsible (along with the San Diego Association of Governments and the Santa Barbara County/Cities Area Planning Council) for preparing the *Southern California Hazardous Waste Management Plan* pursuant to California Health and Safety Code Section 25135.3.



Gray Davis  
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research  
State Clearinghouse

COMMENT NO. 13



Steve Nissen  
DIRECTOR

August 31, 2001

David Snow  
City of Rancho Palos Verdes  
30940 Hawthorne Boulevard  
Rancho Palos Verdes, CA 90275

Subject: Long Point Resort Project (General Plan Amendment #28 Coastal Permit #166, Conditional Use Permit #215 & 216, Tentative Parcel Map # 26073 & Grading Permit)  
SCH#: 2000071076

Dear David Snow:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 30, 2001, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

*Terry Roberts*

Terry Roberts  
Senior Planner, State Clearinghouse

Enclosures  
cc: Resources Agency



13A

RECEIVED  
SEP - 7 2001  
RBF CONSULTING  
RECEIVED  
SEP 04 2001  
PLANNING, BUILDING,  
& CODE ENFORCEMENT



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2000071076  
**Project Title** Long Point Resort Project (General Plan Amendment #28 Coastal Permit #166, Conditional Use Permit  
**Lead Agency** #215 & 216, Tentative Parcel Map # 26073 & Grading Permit)  
Rancho Palos Verdes, City of

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**Type** EIR Draft EIR  
**Description** The Long Point Resort involves a full-service hotel providing approximately 550 guestrooms, 32 villas, restaurants/bars, and meeting/function spaces. Also proposed are approximately 40.2 acres of conserved/enhanced habitat and approximately 81 acres of public open space/recreation facilities including public parking, shoreline access ramps, public parks/overlooks, public walking/hiking trails, a public golf practice facility, and a 9-hole public-use golf course.

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**Lead Agency Contact**

**Name** David Snow  
**Agency** City of Rancho Palos Verdes  
**Phone** 310-544-5228 **Fax**  
**email** davids@rpv.com  
**Address** 30940 Hawthorne Boulevard  
**City** Rancho Palos Verdes **State** CA **Zip** 90275

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**Project Location**

**County** Los Angeles  
**City** Rancho Palos Verdes  
**Region**  
**Cross Streets** Palos Verdes Drive South/Hawthorne Boulevard  
**Parcel No.** Multiple  
**Township** 5S **Range** 15W **Section** **Base**

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**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways** Pacific Ocean  
**Schools**  
**Land Use** Resort Hotel Area: Commercial-Recreational; Urban Activities and Socio-Cultural Overlay Control Districts; and Specific Plan District. Upper Point Vicente Area: Recreational Passive; institutional Public; and Natural Overlay Control District.  
Zoning: Resort Hotel Area: Commercial Recreational (CR) and Open Space-Hazard (OH). Upper Point Vicente Area: Open Space Recreational (OR) and Institutional (I).

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**Project Issues** Vegetation; Wetland/Riparian; Wildlife

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**Reviewing Agencies** Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 7; Department of Housing and Community Development; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; State Lands Commission

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**Date Received** 08/01/2001 **Start of Review** 08/01/2001 **End of Review** 08/30/2001

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**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

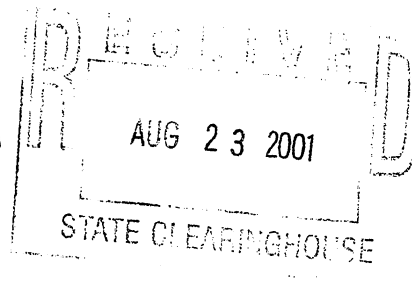


August 20, 2001

Mr. David Snow, AICP  
City of Rancho Palos Verdes  
Department of Planning, Building and Code Enforcement  
30940 Hawthorne Blvd.  
Rancho Palos Verdes, CA 90275

Project ID: SCH #20000710 76  
Long Point Resort Project EIR

Clear  
8/20/01  
e



Dear Mr. Snow:

The California Coastal Commission staff has reviewed the Draft Environmental Impact Report for the Long Point Resort Project consisting of 316 acres situated in the western portion of the City of Rancho Palos Verdes, Los Angeles County, California. The Long Point Resort Project is described as a multi-faceted destination resort that will consist of a public golf practice facility, a 9-hole public-use golf course, 100 general public parking spaces, two shoreline access ramps, seven public parks and overlooks, and 11.1 miles of public walking/hiking trails. The Resort Center will be a full-service resort hotel. Proposed project grading would remove approximately 2.1 acres of coastal sage scrub and approximately 2.7 acres of disturbed chenopod scrub. 0.10 acre of existing coastal bluff scrub would be removed from within the coastal zone. The project includes land inside and outside of the coastal zone.

Development inside the coastal zone requires an amendment to permit #A5-RPV-91-046, issued by the Coastal Commission, or a new coastal development permit from the City of Rancho Palos Verdes. Due to the lack of detail regarding the extent and location of the proposed development we cannot determine at this time whether an amendment to the previous coastal commission permit or a city approved coastal permit is necessary. A city issued coastal permit will be appealable to the California Coastal Commission. The standard of review for such an appeal would be Coastal Act Public Access and Recreation policies and the policies of the certified Local Coastal Program.

Coastal Commission Review on Appeal of the Project Within the Coastal Zone

If the portion of the proposed project that is within the coastal zone is approved and subsequently appealed, it will be reviewed by the Coastal Commission for consistency with the following policies of the Coastal Act (in addition to the policies of the Local Coastal Program):

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

**Section 30211**

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

**Section 30212**

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

**Section 30220**

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

**Section 30222**

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

**Section 30223**

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**Coastal Commission Federal Consistency Review of the Project Within the Coastal Zone**

Under the federal Coastal Zone Management Act (CZMA), an activity requiring a federal permit or license may trigger the requirement for the federal permit applicant to prepare a consistency certification evaluating the project's consistency with the California Coastal Management Program. In addition to the Coastal Commission's jurisdiction over appeals of locally approved projects, the Commission has the authority to review these consistency determinations. That standard for that review process is consistency with all of the policies in Chapter 3 of the Coastal Act. Cal. Pub. Res. Code §§ 30200 – 265.5.

In this case, the maintenance of public access to and along the bluffs is an important provision of the previous permit, the Certified LCP and the Coastal Act. The proposed project description indicates that the following public access will be provided in the Long Point Project: "two shoreline access ramps, seven public parks and overlooks, and 11.1 miles of public walking/hiking trails (linking visitor-serving areas of the Resort with public facilities within the surrounding area)". However, how and where these "public access" amenities will be situated is not described in detail in the draft. Thus, it is still a question of concern. 100 general parking spaces are also proposed in the project. Parking support is vital in this area. Sufficient parking to support the resort/golf course development as well as public parking must be provided for the project to be consistent with the certified LCP.

The Local Coastal Program requires that habitat values of a site be assessed and that any impacts be “fully offset”. In this case the EIR has identified environmentally sensitive habitat areas on the bluff face and tide-pools. These areas, at a minimum, have important habitat value that must be protected, and impacts offset. In evaluating permit appeals or amendments, the Commission would evaluate the methods and degree of habitat protection including measures to avoid the taking of habitat, to protect tide pools and other land resources. The courts have found removal of environmentally sensitive habitat inconsistent with section 30240 of the Coastal Act. See, e.g., Bolsa Chica Land Trust v. Superior Ct., 71 Cal. App. 4<sup>th</sup> 493, 507-08 (1999). In light of this court decision, the LCP policies regarding environmentally sensitive habitat must be interpreted to be as protective of such areas as is possible.. In essence the courts have found that it is difficult or impossible to fully offset removal of Environmentally Sensitive Habitat Areas. This may pose a serious issue.

#### Coastal Commission Federal Consistency Review of the Project Outside the Coastal Zone

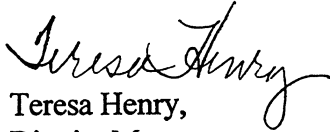
The Commission does not have permit authority over development outside of the coastal zone. However, as noted above, an activity requiring a federal permit or license may trigger the CZMA requirement for the federal permit applicant to prepare a consistency certification evaluating the project’s consistency with the California Coastal Management Program. The standard for such review is the policies of Chapter 3 of the California Coastal Act.

In this case, the activity may require an incidental take permit pursuant to Section 10 of the federal Endangered Species Act. In addition, the project will require the City of Rancho Palos Verdes to amend its program of utilization with the U.S. National Park Service, which is also a federal approval, which may make the proposed project subject to federal consistency review pursuant to the CZMA. The area inland of the coastal zone supports habitat for the California gnatcatcher, a federally listed threatened species. In addition, there are three habitat areas in the coastal zone that might be affected by loss of or impacts to this habitat. In Subregion 1 to the upcoast side of the project there is a reserve identified and dedicated in a previous coastal development permit action <sup>1</sup>. The Abalone Cove area supports California sage scrub and gnatcatcher habitat, and the EIR identified several nests on the bluff face of this property. Earlier comments made by the United States Fish and Wildlife Service (USFWS) indicate the habitat directly outside of the coastal zone may be a connecting link to other viable habitats that support the survival of these federally listed endangered species. Removal of this link could be a threat to the California gnatcatcher habitat in this portion of the coastal zone. If the connecting area is disrupted, it could have a negative impact on environmentally sensitive habitat in the adjacent coastal zone habitats. Therefore, the Commission staff believes that the activities outside of the coastal zone may affect coastal resources. We anticipate that the consistency review requirements of the CZMA will be triggered by the submittal of any application for a permit for an “incidental take” of species listed under the ESA or a request to amend the National Park Service approved program of utilization in the area outside of the coastal zone.

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<sup>1</sup> A5-92-RPV-123 (Hermes Development International, Inc.)

Thank you for the opportunity to comment on the Draft EIR for this project. If you have any concerns about these comments please feel free to contact Melissa Stickney or Pam Emerson at (562) 590-5071.

A handwritten signature in black ink, appearing to read "Teresa Henry". The signature is fluid and cursive, with the first name "Teresa" being more prominent than the last name "Henry".

Teresa Henry,  
District Manager  
California Coastal Commission  
Cc: State Clearinghouse

# **RESPONSES TO WRITTEN COMMENTS**

## A. RESPONSES TO WRITTEN COMMENTS

### Response to Comment No. 1

Teresa Henry, District Manager  
California Coastal Commission  
August 20, 2001

- 1A. This comment does not specifically address Volume IV, *Revised Biological Resources Section*. It should be noted, however, that the issues raised in this comment (i.e., consistency with the Local Coastal Program, recreational opportunities, and public access) were addressed in Section 5.7 of the EIR, *Land Use and Relevant Planning*, and Section 5.13, *Recreation*. Additionally, these issues were addressed in Volume III, *Response to Comments*, Response Nos. 5I and 17F.

It should be noted that the Project area consists of 168.4 acres- not 316 acres as noted in this comment.

- 1B. Comments are noted and will be considered by the City of Rancho Palos Verdes.
- 1C. Volume IV, *Revised Biological Resources Section*, identified impacts to the coastal California gnatcatcher and its habitat (scrub communities) as significant on Page 5.3-55 and Page 5.3-59. Adverse effects of fragmentation are discussed on Page 5.3-67. The proposed mitigation would provide for the creation of 16.80 acres of new coastal sage scrub habitat area within the Upper Point Vicente Area (UPVA) Conservation Planning Area and Recreation Area. This, combined with the 14.63 acres of existing coastal sage scrub habitat, 4.44 acres of coastal bluff scrub habitat, and 3.87 acres of rocky shore/coastal bluff habitat that would be retained, would result in the protection and creation of a total of 39.74 acres of coastal sage scrub, coastal bluff scrub, and rocky shore/coastal bluff habitat. The 16.80 acres of restored and newly created habitat represents a replacement ratio of 3.4 to 1 (3.4 acres restored/created habitat for every one acre removed) for the 4.91 acres of coastal sage scrub impacted by the proposed Project. With the addition of the 22.94 acres of coastal sage scrub, coastal bluff scrub, and rocky shore/coastal bluff that are preserved to the restored and newly created coastal sage scrub habitat, a ratio over 8 to 1 of created/restored/preserved habitat to habitat areas removed would be provided by the project.

The impact area of the Resort Hotel Area (RHA) (based on the Grading Plan, October 2, 2000) includes a small portion of coastal bluff scrub when the impact area was integrated into the GIS program and compared with the vegetation maps of the site. However, the Project Applicant has stated that they would avoid any

impact to coastal bluff scrub, regardless of what may be indicated on the map. Because the mapping exercise indicated that a small area would be impacted, mitigation to avoid these areas was specified in the event grading occurs in this area. Therefore, no coastal bluff scrub will be impacted with implementation of Mitigation Measure 5.3-2b.

The proposed golf course holes on the UPVA have been located, to the greatest extent possible, in areas that avoid the highest values areas of coastal sage scrub, habitat for the gnatcatcher. For those areas of coastal sage scrub that are impacted by the Project, the Project Applicant proposes habitat preservation and restoration outlined and illustrated in Volume IV, *Revised Biological Resources Section*. The restoration will increase the size of the sage scrub patches currently present on the UPVA, thus benefitting the gnatcatcher. It should be noted that the Project proposes conversion of the existing annual grassland, disturbed, and agricultural areas onsite to sage scrub habitat along the southern, western, and eastern portions of the UPVA. The restoration of the habitats in these areas would increase the size of the existing habitat polygons and serve to connect these currently fragmented sage scrub areas with restored habitat. The proposed preservation and restoration areas also provide for a continued and increased connection to off-site areas. In regards to the connection to the Subregion 1 (Oceanfront) area, the proposed restoration plan would increase the amount of sage scrub habitat in the vicinity of where the two projects (UPVA/Subregion 1) are the closest. Sage scrub does not currently exist in this area and the proposed plan is anticipated to provide an increase in the potential linkage between these two areas by the restoration of sage scrub in this area. Similarly, the connection of the existing coastal sage scrub onsite to areas offsite to the east ("Tramonto") will be increased in regards to native habitat over the existing conditions.

## **Response to Comment No. 2**

*Angelika Brinkmann-Busi, Conservation Chair*  
California Native Plant Society, South Coast Chapter

- 2A. Comments are noted and will be considered by the City of Rancho Palos Verdes.
- 2B. Dudek & Associates conducted focused special status plant surveys in 1998. According to the Dudek report (refer to Section 15.3.2 of Volume IV, *Draft Biological Resources Report and Impact Assessment*), reasonably intact habitats on the site were surveyed during a period when most, if not all, of the potentially-occurring special status plant species would be evident, if not blooming. Based on the Significance Criteria established for this Project pursuant to the CEQA Guidelines, an appropriate evaluation of potential impacts on special status plant species known to occur onsite or with a potential to occur onsite was prepared.



- 2C. The CNPS and the state and federal regulatory agencies have varying levels of listing status that are used to described the current threats to plant and wildlife species throughout California and the United States. A list of the range of the special status species on a Project site provide the reader with an understanding of the sensitivity of the site in question.

*Dichondra occidentalis* and *Calochortus catalinea* were not observed during previous focused surveys on the Project site by Dudek & Associates. All of these species are CAPS List 4 plants, which include those species of limited distribution in California whose susceptibility to threat appears low at this time. Potential impacts on these species by the proposed Project would be considered less than significant because these species are considered relatively common in the region. In addition, these species do not meet the criteria in the definition of Rare or Endangered in the CEQA Guidelines.

- 2D. Refer to Response to Comment No. 2C in this document (Volume V).
- 2E. Mitigation Measure 5.3-2c of Volume IV includes a native/non-native plant transition area along the bluff edge and development areas that will reduce the potential adverse effects of irrigation and their potential associated non-native arthropods. In addition, the restoration program for the native habitat areas have been designed to be self-sufficient and will not require any long term irrigation. No irrigation will be placed within preserved sage scrub areas that currently contain native habitat, as none is required.
- 2F. The Project site is in a partial urban setting, currently developed and/or degraded in habitat value in many areas that are expected to support common pest species. The proposed Project is not expected to substantially increase the population of pest species above current site conditions. The potential indirect effects of non-native wildlife species on the natural areas within and adjacent to the Project site are not considered significant. It should be noted that Section 7.1.4 of the Draft Natural Communities Management Plan addresses the potential use of control measures for pest species within the mitigation site, should non-native wildlife species effect the success of the onsite restoration efforts. Chemical pesticides will be avoided in favor of allowing natural environmental controls to take effect or other measures deemed appropriate by the Project biologist.
- 2G. The text referred to in this comment (i.e., "Site Preparation/Initial Clearing. . ." ) cannot be located in Volume IV, *Revised Biological Resources Section*. Regarding herbicide use, Mitigation Measure 5.3-2h of Volume IV includes the development of a detailed revegetation program. Components of the revegetation program include the maintenance plan and monitoring plan that would detail the restrictions on use of fertilizers/pesticides/and herbicides. Therefore, herbicide use on the

Project site would be subject to review and approval by the City of Rancho Palos Verdes.

2H. Any and all modifications to the proposed Project as described in Section 3.0 of the EIR, *Project Description*, will be evaluated by the City of Rancho Palos Verdes in light of CEQA Guidelines Section 15162, *Subsequent EIRs and Negative Declarations*. More specifically, Subsection (a) of this Section of the Guidelines states that a subsequent EIR shall not be prepared for a project unless the lead agency determines one or more of the following:

- “(1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects; or*
- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted. . . .”*

In the event the City determines that modifications to the Project required by the City or proposed by the Applicant meet the criteria specified in this Section of the CEQA Guidelines (i.e., new significant effects, changes in circumstances, or new important information), then a Subsequent EIR would be prepared which would be subject to all CEQA requirements including public review. Conversely, the City may determine that project modifications do not meet the criteria specified in this Section of CEQA and no further environmental review would be required.

Also, refer to Response to Comment No. 2C in this document (Volume V).

Golf activities, including errant golf balls that may be lost in the coastal sage scrub habitat would not, in and of themselves, pose a threat to the gnatcatchers onsite or the coastal sage scrub. However, golfers entering the native habitat areas to retrieve errant golf balls has been identified as an issue in Volume IV. Mitigation measures have also been developed in Volume IV that address the potential adverse effects of golf course activities on the coastal sage scrub and the species that reside in these habitats, including the coastal California gnatcatcher. The Project Applicant will be required to (1) install fencing along the edge of

conservation, restoration, and enhancement areas (Mitigation Measure 5.3-2d) and (2) install signage along the edge of conservation, restoration, and enhancement areas (Mitigation Measure 5.3-2e). Implementation of these measures would reduce the potential disturbance of the golf course activities to less than significant.

- 2I. It should be noted that the coastal sage scrub habitat on the UPVA is currently not “preserved”. There are no conservation easements or other long term protection measures currently in place pertaining to the property which would preclude the UPVA from being developed by the City.

The proposed golf course holes on the UPVA have been located, to the greatest extent possible, in areas that avoid the highest values areas of coastal sage scrub, habitat for the gnatcatcher. For those areas of coastal sage scrub that are impacted by the Project, the Project Applicant proposes habitat preservation and restoration outlined and illustrated in Volume IV, *Revised Biological Resources Section*. The restoration will increase the size of the sage scrub patches currently present on the UPVA, thus benefitting the gnatcatcher. It should be noted that the Project proposes conversion of the existing annual grassland, disturbed, and agricultural areas onsite to sage scrub habitat along the southern, western, and eastern portions of the UPVA. The restoration of the habitats in these areas would increase the size of the existing habitat polygons and serve to connect these currently fragmented sage scrub areas with restored habitat. The proposed preservation and restoration areas also provide for a continued and increased connection to off-site areas. The proposed restoration plan would increase the amount of sage scrub habitat in the vicinity of where the UPVA and the Subregion 1 site are the closest. Sage scrub does not currently exist in this area and the proposed plan is anticipated to provide an increase in the potential linkage between these two areas by the restoration of sage scrub in this area. Similarly, the connection of the existing coastal sage scrub onsite to areas offsite to the east (“Tramonto”) will be increased in regards to native habitat over the existing conditions.

- 2J. The proposed mitigation approach for the UPVA and RHA is based on two main concepts of open space planning regarding natural resources : (1) preserve high value areas to the greatest extent possible and (2) enhance those areas with native habitat that currently do not support high biological value. These general concepts have been applied to both the Long Point Habitat Conservation Program (LPHCP) and the mitigation specified in Volume IV. Further, it should be noted that the LPHCP cannot be finalized until it has been reviewed and approved by the City of Rancho Palos Verdes and the United States Fish and Wildlife Service (USFWS).

One of the main reasons to have a higher than 1:1 ratio for revegetation as mitigation is to account for the temporal loss of habitat value between the time of project construction and the establishment of the mature habitat areas. This form

of mitigation is routinely recommended and accepted by the USFWS and the California Department of Fish and Game (CDFG) for a variety of habitat types.

- 2K. Impacts to annual grassland must consider the Project in context of the availability of this habitat type within the region. It was determined that impacts to annual grassland do not meet the thresholds of significance identified for this Project according to the CEQA Guidelines (i.e., an abundant amount of this habitat type exists within the region). Therefore, no mitigation is warranted according to CEQA.
- 2L. Based on Applicant's consultation with the Los Angeles County Fire Department, the Department's fuel modification requirements include a 40 to 50 foot zone, planted, irrigated, or disced frequently as is the current practice.<sup>1</sup> These requirements would be implemented into the Project design without any affect to biological resources or the Project's proposed habitat conservation areas.
- 2M. As noted on Page 5.3-59 of Volume IV, *Revised Biological Resources Section*, the 132.70-acre calculation of vegetation types impacted by the proposed Project excludes impacts associated with the new water, sewer and storm drain lines illustrated on Exhibit 5.11-1, *Resort Hotel Area Infrastructure Plan*, and Exhibit 5.11-2, *Upper Point Vicente Area Infrastructure Plan*. Impacts associated with implementation of these utility lines would be considered significant unless mitigated since these lines would traverse sensitive habitats in certain areas. However, implementation of the specified mitigation requiring re-alignment of these utility lines to the "impact area" as illustrated in Exhibit 5.3-5, *Biological Resources Impacts Within the Resort Hotel Area*, and Exhibit 5.3-6, *Biological Resources Impacts Within the Upper Point Vicente Area*, would result in avoidance of the sensitive habitats thereby reducing impacts in this regard to a less than significant level.
- 2N. The issue raised regarding the water tank was addressed in Section 5.11 of the EIR, *Public Services and Utilities*, and in Volume III, *Response to Comments*, Response No. 314.
- 2O. Comments are noted and will be considered by the City of Rancho Palos Verdes. Cumulative biological impacts are addressed in Section 5.3-5, *Cumulative Impacts*, and take into consideration all of the cumulative projects as outlined in Section 4 of Volume I, *Basis for Cumulative Analysis*.

Both the Oceanfront project site (formerly referred to as the Subregion 1 site) and the Ocean Trails site were evaluated with regards to their cumulative impacts. Mitigation included participation in the 4(d) Interim Habitat Loss Permit program pursuant to the City's preparation of the Natural Communities Conservation

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<sup>1</sup> E-Mail: Mike Mohler, Lowe Enterprises, June 5, 2001.

Planning (NCCP) program and through a HCP in accordance with Section 10 of the federal Endangered Species Act (FESA), respectively. Both of these projects were permitted by the USFWS for removal of coastal sage scrub and gnatcatcher habitat.

In the absence of an approved NCCP program, cumulative impacts to coastal sage scrub by the proposed Project and recently approved projects by the City will be mitigated to a level of less than significant through mitigation requirements (preservation/enhancement/restoration) of the 4 (d) special rule process for recently approved projects and the proposed LPHCP for the Project.

- 2P. Specific performance standards for any restoration activities onsite will require the approval of the USFWS and/or other appropriate resource agencies as necessary. Their approval will be based on detailed habitat management plans that will outline the success criteria to the satisfaction of the resource agencies. This deferral is permissible under CEQA since approval by the City and resource agencies is considered realistic performance standard that will ensure the mitigation of the significant effect.
- 2Q. Drought tolerant and non-invasive plant species have been proposed for the areas inland of the trail in the 50-foot wide non-invasive plant zone. Native plants can be part of the planting program for this area, however, are not a requirement.
- 2R. Comment is noted and will be considered by the City of Rancho Palos Verdes.
- 2S. The plant palette will be part of the Draft Natural Communities Management Plan which will be subject to review and comment by the USFWS.
- 2T. It was determined by the City that this Mitigation Measure was redundant to other measures already in the Draft EIR. Further, compliance with City requirements would be a standard condition of approval of all projects.
- 2U. The coastal sage scrub restoration plans will be reviewed and approved by the USFWS prior to implementation. Restoration programs are typically developed, implemented, and achieve the success criteria established in the restoration plans within 5 years. The Project Applicant will be required to meet success criteria objectives, to the satisfaction of the USFWS, regardless of length of maintenance and/monitoring.
- 2V. The Project would require areas to store and maneuver equipment during construction and during implementation of the restoration plans. The ultimate acreage of restoration will be reviewed and approved by the City and resource agencies and will be field verified by the USFWS prior to this agency's approval of the Applicant's implementation of the sage scrub restoration plan.

2W-JJ. These comments do not specifically address Volume IV, *Revised Biological Resources Section*.

**Response to Comment No. 3**

*David R. Leininger, Acting Chief*

County of Los Angeles Fire Department

September 4, 2001

3A. The Fire Department has stated that they have no additional comments on the proposed Project. The August 14, 2000 letter has been addressed in Section 5.11 of the EIR, *Public Services and Utilities*. Refer to Response to Comment No. 8 of Volume III, *Response to Comments*, for a response to the March 15, 2001 letter.

**Response to Comment No. 4**

*Stephen J. Buswell, IGR/CEQA Program Manager*

Department of Transportation

August 6, 2001

4A. The Draft EIR was subject to a 60-day public review period which occurred from February 6, 2001 to April 6, 2001. Comments are noted and will be considered by the City of Rancho Palos Verdes.

**Response to Comment No. 5**

*Stephen J. Buswell, IGR/CEQA Program Manager*

Department of Transportation

August 7, 2001

5A. The Department of Transportation has stated that they have no specific comments on Volume IV, *Revised Biological Resources Section*.

**Response to Comment No. 6**

*Michael Mohler, Vice President*

Destination Development Corporation

August 30, 2001

6A. The acreage of the vegetation type "mule fat scrub" mapped by BonTerra Consulting is not considered to be "significantly" different from the jurisdictional delineation conducted by Glenn Lukos Associates (GLA) given the inherently general scale of the analysis. The difference between the separate assessments represents 7/100 of an acre, which when compared to the total acreage of the

Project site represents approximately 0.04 percent of the various vegetation types present.

The difference between the BonTerra and GLA calculations can be attributed to several factors including, but not limited to: (1) different biologists conducting the surveys at different times of the year; (2) mapping of the areas was done at different map scales (BonTerra mapped at 1 inch = 100 feet; GLA mapped at 1 inch = 200 feet); (3) measurement tools/map products were different for each analysis (BonTerra used a Geographic Information System based on polygons to calculate and illustrate the areas onsite while GLA used measured distances of length and width of the areas containing mule fat and only described these areas in text form in the GLA report-no mapped illustration of these areas was provided); and (4) different focus of survey efforts.

Regardless of the differences, the findings of the impact evaluation for this habitat type remains the same: impacts to mule fat scrub are considered less than significant. Because impacts to these areas have been identified as less than significant, mitigation for this habitat type is not necessary under CEQA. However, as acknowledged in Volume IV, some of the areas of mule fat scrub may be within the jurisdiction of the CDFG and/or Army Corps of Engineers (ACOE). It is these jurisdictional areas and the impact calculations associated with these areas that will be required to be permitted and mitigated (if necessary) by the corresponding regulatory agencies as outlined in Mitigation Measure 5.3-2g of Volume IV.

- 6B. The GLA citation was within a sentence that stated that a particular portion of the Project site was not within the jurisdiction of the ACOE and/or CDFG. It was not intended to suggest that the acreage calculations were from the GLA report.
- 6C. Refer to Response to Comment No. 6A in this document (Volume V). The term "riparian" used in the description of the vegetation types on the Project site should not be inferred as corresponding to the same definition that may be used by the California Coastal Commission (CCC). The mule fat scrub vegetation type, as defined by Holland (1986) and Gray and Bramlet (1992), includes this vegetation type under a sub-heading of "Riparian". It is acknowledged in Volume IV that mule fat scrub typically occurs in association with intermittent streambeds and/or seeps (Holland 1986 and Gray and Bramlet 1992) however, is not restricted to these areas. As discussed previously in Response to Comment No. 6A of this document (Volume V), the areas of mule fat scrub that may be within jurisdiction of the CDFG and/or ACOE including riparian areas defined by the CCC (as delineated by GLA) will be required to be permitted (if impacted) and mitigated (if necessary) by the corresponding regulatory agencies as outlined in Mitigation Measure 5.3-2g of Volume IV. The CCC use of the Draft EIR in their evaluation of impacts to areas within their jurisdiction should rely solely on the delineation by GLA because the

jurisdictional delineation conducted was done according to CCC criteria and the BonTerra vegetation mapping was not.

- 6D. The Project Applicant's proposal to establish a 25-foot wide (average width) native plant buffer along the western edge of the RHA is not totally consistent with Mitigation Measure 5.3-2c of Volume IV. The exhibit provided in the Applicant's comment letter shows the buffer area beginning at the edge of the bluff. However, Mitigation Measure 5.3-2c of Volume IV identified the establishment of a 30-foot wide native plant buffer measured from the inland edge of the coastal bluff scrub habitat, not from the bluff edge.
- 6E. The impact area for the RHA has been determined by BonTerra Consulting based on the Grading Plan (October 2, 2000). The impact area was determined to include a small portion of coastal bluff scrub when the impact area was integrated into the GIS program and compared with the vegetation maps of the site. Because the mapping exercise indicated that a small area would be impacted, mitigation to avoid these areas was specified in the event grading occurs in this area. However, the Project Applicant has stated that they will avoid any impact to coastal bluff scrub, regardless of what may be indicated on the map.
- 6F. Refer to Response to Comment No. 6A in this document (Volume V).

A revision to Table 5.3-4, *Vegetation Types Impacted By the Proposed Project*, is not necessary since this Table accurately reflects the impacts associated with the proposed Project as described in Section 3.0 of the Draft EIR, *Project Description*.

It should be noted that any and all modifications to the proposed Project as described in Section 3.0 of the EIR, *Project Description*, will be evaluated by the City of Rancho Palos Verdes in light of CEQA Guidelines Section 15162, *Subsequent EIRs and Negative Declarations*. More specifically, Subsection (a) of this Section of the Guidelines states that a subsequent EIR shall not be prepared for a project unless the lead agency determines one or more of the following:

- “(1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects; or*



- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted. . . .”*

In the event the City determines that modifications to the Project required by the City or proposed by the Applicant meet the criteria specified in this Section of the CEQA Guidelines (i.e., new significant effects, changes in circumstances, or new important information), then a Subsequent EIR would be prepared which would be subject to all CEQA requirements including public review. Conversely, the City may determine that project modifications do not meet the criteria specified in this Section of CEQA and no further environmental review would be required.

**Response to Comment No. 7**

*Rowland Driskell, Resident*

August 30, 2001

- 7A. The proposed golf course holes on the UPVA have been located, to the greatest extent possible, in areas that avoid the highest values areas of coastal sage scrub, habitat for the gnatcatcher. For those areas of coastal sage scrub that are impacted by the Project, the Project Applicant proposes habitat preservation and restoration outlined and illustrated in Volume IV, *Revised Biological Resources Section*. The restoration will increase the size of the sage scrub patches currently present on the UPVA, thus benefitting the gnatcatcher. It should be noted that the Project proposes conversion of the existing annual grassland, disturbed, and agricultural areas onsite to sage scrub habitat along the southern, western, and eastern portions of the UPVA. The restoration of the habitats in these areas would increase the size of the existing habitat polygons and serve to connect these currently fragmented sage scrub areas with restored habitat. The proposed preservation and restoration areas also provide for a continued and increased connection to off-site areas. In regards to the connection to the Subregion 1 (Oceanfront) area, the proposed restoration plan would increase the amount of sage scrub habitat in the vicinity of where the two projects (UPVA/Subregion 1) are the closest. Sage scrub does not currently exist in this area and the proposed plan is anticipated to provide an increase in the potential linkage between these two areas by the restoration of sage scrub in this area. Similarly, the connection of the existing coastal sage scrub onsite to areas offsite to the east (“Tramonto”) will be increased in regards to native habitat over the existing conditions.

Golf activities, including errant golf balls that may be lost in the coastal sage scrub habitat would not, in and of themselves, pose a threat to the gnatcatchers onsite or the coastal sage scrub. However, golfers entering the native habitat areas to retrieve errant golf balls has been identified as an issue in Volume IV. Mitigation

measures have also been developed in Volume IV that address the potential adverse effects of golf course activities on the coastal sage scrub and the species that reside in these habitats, including the coastal California gnatcatcher. The Project Applicant will be required to (1) install fencing along the edge of conservation, restoration, and enhancement areas (Mitigation Measure 5.3-2d) and (2) install signage along the edge of conservation, restoration, and enhancement areas (Mitigation Measure 5.3-2e). Implementation of these measures would reduce the potential disturbance of the golf course activities to less than significant.

**Response to Comment No. 8**

*Jess Morton, Los Angeles County Director*  
 Endangered Habitats League  
 August 29, 2001

- 8A. As discussed in Volume IV, *Revised Biological Resources Section*, the design of the City's NCCP reserve is currently under development.<sup>2</sup> With guidance and input from the major landowner, local government, state and federal agency, and environmental organization representatives, the City completed Phase I of the Palos Verdes Peninsula NCCP in 1999. The primary focus of the Phase I effort was to map existing vegetation communities, along with sensitive species distributions and their potential habitat, and to then use this information to develop preliminary alternative reserve designs. Three alternative reserve designs are currently being considered by the City. At this time, all three alternatives are considered "equal" by the City; however, the City Council has authorized City staff to proceed with a biological and economic analysis of the three draft alternatives in order to identify the City's preferred alternative reserve design.

The three current reserve designs were developed with the following goals taken into consideration:

1. Meet NCCP standards and issuance criteria for Endangered Species Act Section 10(a) take authorizations for target species proposed to be covered by the citywide permit;
2. Conserve the most practicable amount of Regionally Important Habitat Areas;
3. Provide habitat linkages between patches of conserved habitat;

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<sup>2</sup> Personal Communication: D. Snow and A. Johnston, September 2000.

4. Enhance/restore the most practicable amount of disturbed habitats directly adjacent to conserved habitat to enhance patch size and habitat linkage function (i.e., areas with moderate to high potential for successful restoration); and
5. Provide for future economic use of private properties that support regionally important resources, where feasible.

In designing the reserve areas, consideration was given to the following:

1. Minimize edge effects to conserved habitat adjacent to existing and future development, where practicable;
2. Provide for adequate habitat linkages between conserved habitats where possible;
3. Identify areas where development compatible with preserve function can be feasibly placed; and
4. Generally consider overall cost of land acquisition (if any), habitat restoration, and habitat management.

At this point in the NCCP reserve design process, the proposed Project is consistent with two of the three reserve designs (Alternative B and C). Because the additional economic and biological resource analysis (Phase II) has not been completed to date for these three alternatives, some assumptions have to be made in regards to the proposed Project's consistency or conflict with the preliminary reserve designs. Based on the information to date, two alternatives have been identified for the City of Rancho Palos Verdes NCCP that do not include reserve areas within the boundaries of the permanent impact areas of the proposed Project. Therefore, it can be stated that the proposed Project could not be in conflict with the overall reserve design goals and objectives since the preliminary analysis has shown that viable reserve designs exist with consideration given to the proposed Project boundaries. This would hold true with or without the Project's use of the UPVA.

The Long Point Habitat and Conservation Program (LPHCP), which is incorporated into the Applicant's Permit Documentation package (June 23, 2000), is a part of the public record for the Project and is available for review at the City of Rancho Palos Verdes. The June 23, 2000 LPHCP was summarized in the Draft EIR and does not have to be "approved" for the Draft EIR to use to the information in the development of an appropriate mitigation strategy that would mitigate impacts to a level of less than significant for CEQA. Further, since the Draft EIR was completed, the LPHCP has been updated (June 27, 2001). The biological resources analysis has been revised to reflect the updated LPHCP (refer to Volume IV, *Revised Biological*

*Resources Section*). Also, the updated LPHCP is included in the Appendix to Volume IV.

It should be noted that the LPHCP will be finalized at some time and must be approved by the USFWS. The proposed Project will need the approval of the USFWS if the Project would directly impact coastal sage scrub and/or the gnatcatcher. The LPHCP can be modified by the USFWS to reflect the resource agencies' requests for additional/modified Mitigation Measures. However, any substantial changes to the LPHCP must also be approved by the City to ensure that the identified biological impacts that were deemed significant in Volume IV are fully mitigated by any revised version of the LPHCP. The LPHCP will be used to support the permit process through either Section 4(d), 7, or 10 of the Federal Endangered Species Act.

- 8B. The proposed golf course holes on the UPVA have been located, to the greatest extent possible, in areas that avoid the highest values areas of coastal sage scrub, habitat for the gnatcatcher. For those areas of coastal sage scrub that are impacted by the Project, the Project Applicant proposes habitat preservation and restoration outlined and illustrated in Volume IV, *Revised Biological Resources Section*. The restoration will increase the size of the sage scrub patches currently present on the UPVA, thus benefitting the gnatcatcher. It should be noted that the Project proposes conversion of the existing annual grassland, disturbed, and agricultural areas onsite to sage scrub habitat along the southern, western, and eastern portions of the UPVA. The restoration of the habitats in these areas would increase the size of the existing habitat polygons and serve to connect these currently fragmented sage scrub areas with restored habitat. The proposed preservation and restoration areas also provide for a continued and increased connection to off-site areas. In regards to the connection to the Subregion 1 (Oceanfront) area, the proposed restoration plan would increase the amount of sage scrub habitat in the vicinity of where the two projects (UPVA/Subregion 1) are the closest. Sage scrub does not currently exist in this area and the proposed plan is anticipated to provide an increase in the potential linkage between these two areas by the restoration of sage scrub in this area. Similarly, the connection of the existing coastal sage scrub onsite to areas offsite to the east ("Tramonto") will be increased in regards to native habitat over the existing conditions.

Golf activities, including errant golf balls that may be lost in the coastal sage scrub habitat would not, in and of themselves, pose a threat to the gnatcatchers onsite or the coastal sage scrub. However, golfers entering the native habitat areas to retrieve errant golf balls has been identified as an issue in Volume IV. Mitigation measures have also been developed in Volume IV that address the potential adverse effects of golf course activities on the coastal sage scrub and the species that reside in these habitats, including the coastal California gnatcatcher. The Project Applicant will be required to (1) install fencing along the edge of

conservation, restoration, and enhancement areas (Mitigation Measure 5.3-2d) and (2) install signage along the edge of conservation, restoration, and enhancement areas (Mitigation Measure 5.3-2e). Implementation of these measures would reduce the potential disturbance of the golf course activities to less than significant.

- 8C. Impacts to coastal cactus wrens do not meet the thresholds of significance identified for this Project on Page 5.3-45 of Volume IV according to the CEQA Guidelines. Impacts must consider the Project in context of the distribution of this species throughout their ranges. Therefore no mitigation is warranted according to CEQA.

It should be noted that the coastal sage scrub habitat on the UPVA is currently not “preserved”. There are no conservation easements or other long term protection measures currently in place pertaining to the property which would preclude the UPVA from being developed by the City.

- 8D. Refer to Response to Comment No. 8A in this document (Volume V).

**Response to Comment No. 9**

*Dena Friedson, Member of Save Our Coastline (SOC)*

August 30, 2001

- 9A. Volume IV, *Revised Biological Resources Section*, identified impacts to the coastal California gnatcatcher and its habitat (scrub communities) as significant on Page 5.3-55 and Page 5.3-59. Adverse effects of fragmentation are discussed on Page 5.3-67. The proposed mitigation would provide for the creation of 16.80 acres of new coastal sage scrub habitat area within the UPVA Conservation Planning Area and Recreation Area. This, combined with the 14.63 acres of existing coastal sage scrub habitat, 4.44 acres of coastal bluff scrub habitat, and 3.87 acres of rocky shore/coastal bluff habitat that would be retained, would result in the protection and creation of a total of 39.74 acres of coastal sage scrub, coastal bluff scrub, and rocky shore/coastal bluff habitat. The 16.80 acres of restored and newly created habitat represents a replacement ratio of 3.4 to 1 (3.4 acres restored/created habitat for every one acre removed) for the 4.91 acres of coastal sage scrub impacted by the proposed Project. With the addition of the 22.94 acres of coastal sage scrub, coastal bluff scrub, and rocky shore/coastal bluff that are preserved to the restored and newly created coastal sage scrub habitat, a ratio over 8 to 1 of created/restored/preserved habitat to habitat areas removed would be provided by the project.

- 9B. Comments are noted and will be considered by the City of Rancho Palos Verdes.

- 9C. It should be noted that Mr. Ken Osborne is not an employee of the USFWS, but is rather an independent biologist who was hired by the City to conduct focused surveys for the Palos Verdes and El Segundo blue butterflies on the RHA.

Coast buckwheat and ashy-leaf buckwheat have been identified as important plant species to be included within the native plant buffer area along the bluff of the RHA (refer to Mitigation Measure 5.3-2c of Volume IV).

- 9D. The resource agencies often consider mitigation to include the preservation of areas that would otherwise be subject to development. It should be noted that the coastal sage scrub habitat on the UPVA is currently not "preserved". There are no conservation easements or other long term protection measures currently in place pertaining to the property which would preclude the UPVA from being developed by the City.

As discussed in Response No. 9A above, it should be noted that the Project would at a minimum result in a replacement ratio of 3.4 to 1 (i.e., consideration of only restored/created habitat).

- 9E. The use of 60 percent germination as a success criteria is an accepted mitigation strategy developed by restoration ecologists with expertise in special status native plant species.

The coastal sage scrub restoration plans will be reviewed and approved by the USFWS prior to implementation. Restoration programs are typically developed, implemented, and achieve the success criteria established in the restoration plans within 5 years. The Project Applicant will be required to meet success criteria objectives, to the satisfaction of the USFWS, regardless of length of maintenance and/monitoring.

- 9F. At this point in the NCCP reserve design process, the proposed Project is consistent with two of the three reserve designs (Alternative B and C). Because the additional economic and biological resource analysis (Phase II) has not been completed to date for these three alternatives, some assumptions have to be made in regards to the proposed Project's consistency or conflict with the preliminary reserve designs. Based on the information to date, two alternatives have been identified for the City of Rancho Palos Verdes NCCP that do not include reserve areas within the boundaries of the permanent impact areas of the proposed Project. Therefore, it can be stated that the proposed Project could not be in conflict with the overall reserve design goals and objectives since the preliminary analysis has shown that viable reserve designs exist with consideration given to the proposed Project boundaries. This would hold true with or without the Project's use of the UPVA.

- 9G. Comments are noted and will be considered by the City of Rancho Palos Verdes.

**Response to Comment No. 10**

*Jim Knight, Resident*

August 29, 2001

- 10A. The proposed golf course holes on the UPVA have been located, to the greatest extent possible, in areas that avoid the highest values areas of coastal sage scrub, habitat for the gnatcatcher. For those areas of coastal sage scrub that are impacted by the Project, the Project Applicant proposes habitat preservation and restoration outlined and illustrated in Volume IV, *Revised Biological Resources Section*. The restoration will increase the size of the sage scrub patches currently present on the UPVA, thus benefitting the gnatcatcher. It should be noted that the Project proposes conversion of the existing annual grassland, disturbed, and agricultural areas onsite to sage scrub habitat along the southern, western, and eastern portions of the UPVA. The restoration of the habitats in these areas would increase the size of the existing habitat polygons and serve to connect these currently fragmented sage scrub areas with restored habitat. The proposed preservation and restoration areas also provide for a continued and increased connection to off-site areas. The proposed restoration plan would increase the amount of sage scrub habitat in the vicinity of where the UPVA and the Subregion 1 site are the closest. Sage scrub does not currently exist in this area and the proposed plan is anticipated to provide an increase in the potential linkage between these two areas by the restoration of sage scrub in this area. Similarly, the connection of the existing coastal sage scrub onsite to areas offsite to the east ("Tramonto") will be increased in regards to native habitat over the existing conditions.

Golf activities, including errant golf balls that may be lost in the coastal sage scrub habitat would not, in and of themselves, pose a threat to the gnatcatchers onsite or the coastal sage scrub. However, golfers entering the native habitat areas to retrieve errant golf balls has been identified as an issue in Volume IV. Mitigation measures have also been developed in Volume IV that address the potential adverse effects of golf course activities on the coastal sage scrub and the species that reside in these habitats, including the coastal California gnatcatcher. The Project Applicant will be required to (1) install fencing along the edge of conservation, restoration, and enhancement areas (Mitigation Measure 5.3-2d) and (2) install signage along the edge of conservation, restoration, and enhancement areas (Mitigation Measure 5.3-2e). Implementation of these measures would reduce the potential disturbance of the golf course activities to less than significant.

- 10B. As noted in Section 5.6 of the Draft EIR, *Hydrology and Drainage*, Project implementation may result in long-term impacts to the quality of storm water and urban runoff, subsequently impacting water quality. Impacts would be reduced to less than significant levels with incorporation of the proposed Water Quality Management Plan (WQMP), the specified Mitigation Measures, and State, County, and City requirements. It should be noted that all areas of the golf course would

receive specific treatment (either through the Applicant's WQMP or through specified mitigation (Mitigation Measure 5.6-3b) before discharging into natural areas or storm drains.

Appropriate treatment is either vegetative swales, enhanced vegetated swales utilizing check dams and wide depressions, a series of small detention facilities designed similarly to a dry detention basin, or a combination of these treatment methods into a treatment train. The WQMP shall address treatment for all areas of the golf course to assure that the runoff from the golf course is treated to the "maximum extent practicable."

In order for the vegetation swales to be effective in the removal of potential pollutants, the swales shall be treated as a water quality feature and shall be maintained in a different manner than the turf of the golf course. Specifically, pesticides, herbicides, and fertilizers, which may be used on the golf course turf shall not be used in the vegetation swales.

Additionally, it should be noted that Mitigation Measure 5.3-2h of Volume IV includes the development of a detailed revegetation program. Components of the revegetation program include the maintenance plan and monitoring plan that would detail the restrictions on use of fertilizers/pesticides/and herbicides.

- 10C. As noted in Section 5.8 of the EIR, *Marine Resources*, operation of the Long Point Resort Project has the potential to result in long term effects that could impact marine biological resources. Construction of coastal projects like a resort development may involve design aspects that could adversely affect shoreline and nearshore marine resources. The Project has taken a proactive approach by including as a design feature a Runoff Management Plan/Water Quality Management Plan (WQMP) which incorporates Best Management Practices (BMP) that insure there would be no adverse and significant long-term effects on local water quality and subsequent adverse effects on marine biological resources. Because the Project incorporates a long-term WQMP as a Project Design Feature, long term water quality impacts would be minimized. Remaining impacts would be reduced to less than significant levels with incorporation of the specified mitigation measures and compliance with State, County, and City Development Code requirements.

The WQMP addresses the current deteriorated drainage systems, improvements to the drainage system to manage stormwater and dry weather runoff, hydrology, and water quality of the resort's runoff. The WQMP is summarized in Section 5.8 of the EIR, *Marine Resources*, however, is discussed in detail in Section 5.6, *Hydrology and Drainage*. The WQMP consists of several strategies and a series of Best Management Practices (BMPs) that would provide source control for pollutants as well as treatment of runoff constituents.



A five-year marine biological monitoring program is proposed in the EIR which is designed to ensure that source controls and BMPs within the Project Design Features and visitor use management strategies are satisfactorily protecting the beneficial uses of the receiving waters and shoreline marine life. A five-year sampling program would provide an adequate time series of events to evaluate inter-annual variation. Likewise, quarterly monitoring is proposed to evaluate seasonal effects (spring, summer, fall, and winter) and would also be useful in evaluating stormwater effects during the winter season (all runoff during the dry season would be diverted to the Sanitation system).

The adequacy of the monitoring program is equally dependent upon proper sampling design, selection of control (reference) and treatment (Long Point/Fisherman Cove) sites, and adequate sampling replication by qualified marine biologists to ensure that statistically reliable results can be obtained. The monitoring program that would be implemented is considered an industry accepted practice since it would be standardized with other state-wide monitoring programs used by resource agencies such as the California Department of Fish and Game, Minerals Management Service, and local universities (UCLA, UC Santa Barbara, UC Irvine). Therefore, the 5-year, quarterly monitoring program is considered sufficient to detect any adverse impacts on shoreline marine biological resources.

The monitoring program results would be evaluated on a yearly basis to ensure that any warning signs of degradation can be immediately addressed and Resort operations reviewed to determine if the Resort is the cause of any adverse impacts. Changes can subsequently be made to Resort operations or visitor use policies for the tide pools. At the end of the 5<sup>th</sup> year, the monitoring program results would be analyzed to make a final determination if the Resort management plans have been effective in preventing marine life degradation. If the results indicate that there was no significant marine life degradation attributable to the Resort operations, then the monitoring program, with the approval of the wildlife and resource agencies would be discontinued. The final decision to end or continue the monitoring program after five years would be the decision of the resource agencies.

In summary, Project implementation would involve long-term design impacts that, if left unmitigated, could adversely affect shoreline and nearshore marine resources. Impacts associated with the operation of the Long Point Resort Project include (1) degradation of water quality as a consequence of stormwater and dry weather runoff from the Project site and a subsequent degradation of marine habitat and (2) from the direct and indirect effects of increased tourism (visitor use) to the local shoreline. These Project-related issues are analyzed in Section 5.8 of the EIR for the type and degree of environmental effect that they might have on marine resources. Where impacts have been identified, mitigation measures are proposed that would reduce the level of significance to less than significant following implementation of the specified mitigation measures.

Implementation of the WQMP as a Project Design Feature, compliance with the Standard Urban Stormwater Mitigation Plan (SUSMP) guidelines, and conducting detailed runoff monitoring programs during operation of the Long Point Resort would ensure that potentially significant water quality and hydrological impacts to marine resources associated with stormwater and dry weather runoff would be less than significant.

- 10D. Refer to Response No. 10B of this document (Volume V).
- 10E. As indicated on Page 5.6-29 of Volume I, the reference to "wooded areas" was deleted.
- 10F. Refer to Response No. 10B of this document (Volume V).
- 10G. Round-up is a common herbicide used in and adjacent to mitigation sites that is approved for use by the USFWS. The final Natural Communities Management Plan will contain all the necessary details of proposed restoration plan to the satisfaction of the USFWS prior to implementation.
- 10H. Enzymes and/or fertilizers are not used during hydroseeding activities for native habitat areas.

Mitigation Measure 5.3-2c of Volume IV includes a native/non-native plant transition area along the bluff edge and development areas that will reduce the potential adverse effects of irrigation and their potential associated non-native arthropods.

- 10I. Any and all modifications to the proposed Project as described in Section 3.0 of the EIR, *Project Description*, will be evaluated by the City of Rancho Palos Verdes in light of CEQA Guidelines Section 15162, *Subsequent EIRs and Negative Declarations*. More specifically, Subsection (a) of this Section of the Guidelines states that a subsequent EIR shall not be prepared for a project unless the lead agency determines one or more of the following:

- “(1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects; or*

- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted. . . .”*

In the event the City determines that modifications to the Project required by the City or proposed by the Applicant meet the criteria specified in this Section of the CEQA Guidelines (i.e., new significant effects, changes in circumstances, or new important information), then a Subsequent EIR would be prepared which would be subject to all CEQA requirements including public review. Conversely, the City may determine that project modifications do not meet the criteria specified in this Section of CEQA and no further environmental review would be required.

- 10J. Direct impacts and indirect noise impacts on the coastal California gnatcatcher were found to be significant on page 5.3-55 and 5.3-67 of Volume IV, *Revised Biological Resources Section*. Mitigation to reduce these impacts to a level of less than significant include the avoidance of coastal sage scrub preserve areas (Mitigation Measure 5.3-2d) and removal of coastal sage scrub shall not be permitted during the breeding and nesting season of the gnatcatcher (February 15 through August 30) (Mitigation Measure 5.3-2j).

The map included with the April 27, 2001 gnatcatcher report (prepared by Natural Resource Consultants) does not represent the location of gnatcatcher nests, but rather the general locations where the gnatcatchers (pairs) were observed during the surveys conducted on February 8 and 16, and March 1, 2001. The gnatcatchers can be expected to occur throughout the sage scrub vegetation types within the UPVA. Therefore, the most appropriate exhibit to illustrate potential impacts to the gnatcatcher and its habitat (sage scrub) onsite is Exhibit 5.3-6 of Volume IV, *Biological Resources Impacts Within Upper Point Vicente Area*.

- 10K. Restatement of fact. No response necessary.
- 10L. Impacts on the peregrine falcon are discussed separately on Page 5.3-56 of Volume IV, *Revised Biological Resources Section*.

#### **Response to Comment No. 11**

*Barry Holchin, Conservation Chair*  
Sierra Club Palos Verdes South Bay Group  
August 30, 2001

- 11A. It was determined by the City that this Mitigation Measure was redundant to other measures already in Volume IV. Further, compliance with City requirements would be a standard condition of approval of all projects.

- 11B. The plant palette will be part of the Draft Natural Communities Management Plan which will be subject to review and comment by the USFWS.
- 11C. The Project site is in a partial urban setting, currently developed and/or degraded in habitat value in many areas that are expected to support common pest species. The proposed Project is not expected to substantially increase the population of pest species above current site conditions. The potential indirect effects of non-native wildlife species on the natural areas within and adjacent to the Project site are not considered significant. Please note that Section 7.1.4 of the Draft Natural Communities Management Plan addresses the potential use of control measures for pest species within the mitigation site, should non-native wildlife species effect the success of the onsite restoration efforts. Chemical pesticides will be avoided in favor of allowing natural environmental controls to take effect or other measures deemed appropriate by the Project biologist.
- 11D. Mitigation Measure 5.3-2c of Volume IV includes a native/non-native plant transition area along the bluff edge and development areas that will reduce the potential adverse effects of irrigation and their potential associated non-native arthropods. In addition, the restoration program for the native habitat areas have been designed to be self-sufficient and will not require any long term irrigation. No irrigation will be placed within preserved sage scrub areas that currently contain native habitat, as none is required.
- 11E. As stated on Page 5.3-69 of Volume IV, *Revised Biological Resources Section*, lighting of the proposed Project in certain areas (primarily the RHA area) would inadvertently result in an indirect effect on the behavioral patterns of nocturnal and crepuscular (i.e., active at dawn and dusk) wildlife that are present along the boundaries of the urban and natural areas of the UPVA and RHA. Of particular concern is the effect on small ground-dwelling animals that use the darkness to hide from predators, and on owls, which are specialized night foragers. In addition, the increase in night lighting could discourage nesting and roosting along the cliffs and rocky shore adjacent to the RHA. This increased lighting, in conjunction with the increased noise and habitat loss, would be considered potentially significant since it is adjacent to cliff nesting and roosting habitat. Implementation of Mitigation Measure 5.3-2j requiring that a lighting plan be prepared which directs lighting away from sensitive biological resources would reduce this impact to less than significant.
- 11F. It should be noted that the coastal sage scrub habitat on the UPVA is currently not "preserved". There are no conservation easements or other long term protection measures currently in place pertaining to the property which would preclude the UPVA from being developed by the City.

The proposed golf course holes on the UPVA have been located, to the greatest extent possible, in areas that avoid the highest values areas of coastal sage scrub,

habitat for the gnatcatcher. For those areas of coastal sage scrub that are impacted by the Project, the Project Applicant proposes habitat preservation and restoration outlined and illustrated in Volume IV, *Revised Biological Resources Section*. The restoration will increase the size of the sage scrub patches currently present on the UPVA, thus benefitting the gnatcatcher. It should be noted that the Project proposes conversion of the existing annual grassland, disturbed, and agricultural areas onsite to sage scrub habitat along the southern, western, and eastern portions of the UPVA. The restoration of the habitats in these areas would increase the size of the existing habitat polygons and serve to connect these currently fragmented sage scrub areas with restored habitat. The proposed preservation and restoration areas also provide for a continued and increased connection to off-site areas. The proposed restoration plan would increase the amount of sage scrub habitat in the vicinity of where the UPVA and the Subregion 1 site are the closest. Sage scrub does not currently exist in this area and the proposed plan is anticipated to provide an increase in the potential linkage between these two areas by the restoration of sage scrub in this area. Similarly, the connection of the existing coastal sage scrub onsite to areas offsite to the east ("Tramonto") will be increased in regards to native habitat over the existing conditions.

- 11G. The proposed mitigation approach for the UPVA and RHA is based on two main concepts of open space planning regarding natural resources : (1) preserve high value areas to the greatest extent possible and (2) enhance those areas with native habitat that currently do not support high biological value. These general concepts have been applied to both the LPHCP and the mitigation specified in Volume IV. Further, it should be noted that the LPHCP cannot be finalized until it has been reviewed and approved by the City of Rancho Palos Verdes and the USFWS.

One of the main reasons to have a higher than 1:1 ratio for revegetation as mitigation is to account for the temporal loss of habitat value between the time of project construction and the establishment of the mature habitat areas. This form of mitigation is routinely recommended and accepted by the USFWS and the CDFG for a variety of habitat types.

- 11H. Impacts to annual grassland must consider the Project in context of the availability of this habitat type within the region. It was determined that impacts to annual grassland do not meet the thresholds of significance identified for this Project according to the CEQA Guidelines (i.e., an abundant amount of this habitat type exists within the region). Therefore, no mitigation is warranted according to CEQA.
- 11I. Based on Applicant's consultation with the Los Angeles County Fire Department, the Department's fuel modification requirements include a 40 to 50 foot zone,

planted, irrigated, or disced frequently as is the current practice.<sup>3</sup> These requirements would be implemented into the Project design without any affect to biological resources or the Project's proposed habitat conservation areas.

- 11J. The Special Status Plant Mitigation Program will be developed by the Project biologist in consultation with the appropriate resource agencies prior to Project construction as outlined in Mitigation Measure 5.3-1b of Volume IV.
- 11K. Impacts to the gnatcatchers onsite were found to be significant under the CEQA Thresholds of Significance established for this Project. The proposed mitigation would mitigate impacts to a level of less than significant. The mitigation is consistent with the requirements of CEQA and similar to other mitigation strategies developed for projects which met the approval of the USFWS.
- 11L. An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that would substantially diminish, or result in the loss of, an important biological resource or those that would obviously conflict with local, State or Federal resource conservation plans, goals, or regulations. Impacts are sometimes locally adverse but not significant because, although they would result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population- or region-wide basis. The coastal basin of Los Angeles County was the evaluated region for the Project.

Comments are noted and will be considered by the City of Rancho Palos Verdes. Cumulative biological impacts are addressed in Section 5.3-5 of Volume IV, *Cumulative Impacts*.

Both the Oceanfront project site (formerly referred to as the Subregion 1 site) and the Ocean Trails site were evaluated with regards to their cumulative impacts. Mitigation included participation in the 4(d) Interim Habitat Loss Permit program pursuant to the City's preparation of the NCCP and through a HCP in accordance with Section 10 of the FESA, respectively. Both of these projects were permitted by the USFWS for removal of coastal sage scrub and gnatcatcher habitat.

In the absence of an approved NCCP program, cumulative impacts to coastal sage scrub by the proposed Project and recently approved projects by the City will be mitigated to a level of less than significant through mitigation requirements (preservation/enhancement/restoration) during project compliance with the FESA

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<sup>3</sup> E-Mail: Mike Mohler, Lowe Enterprises, June 5, 2001.

(through Section 4[d], 7, or 10) for recently approved projects and the proposed LPHCP for the Project.

- 11M. Wildlife movement is discussed in the text of Volume IV, *Revised Biological Resources Section*, Pages 5.3-12 though 5.3-14. A graphic illustrating potential movement areas is not necessary.
- 11N. The statement was removed because it was speculative and not appropriate.
- 11O. As discussed in Volume IV, the design of the City's NCCP reserve is currently under development.<sup>4</sup> With guidance and input from the major landowner, local government, state and federal agency, and environmental organization representatives, the City completed Phase I of the Palos Verdes Peninsula NCCP in 1999. The primary focus of the Phase I effort was to map existing vegetation communities, along with sensitive species distributions and their potential habitat, and to then use this information to develop preliminary alternative reserve designs. Three alternative reserve designs are currently being considered by the City. At this time, all three alternatives are considered "equal" by the City; however, the City Council has authorized City staff to proceed with a biological and economic analysis of the three draft alternatives in order to identify the City's preferred alternative reserve design.

The three current reserve designs were developed with the following goals taken into consideration:

- 1. Meet NCCP standards and issuance criteria for Endangered Species Act Section 10(a) take authorizations for target species proposed to be covered by the citywide permit;
- 2. Conserve the most practicable amount of Regionally Important Habitat Areas;
- 3. Provide habitat linkages between patches of conserved habitat;
- 4. Enhance/restore the most practicable amount of disturbed habitats directly adjacent to conserved habitat to enhance patch size and habitat linkage function (i.e., areas with moderate to high potential for successful restoration); and
- 5. Provide for future economic use of private properties that support regionally important resources, where feasible.

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<sup>4</sup> Personal Communication: D. Snow and A. Johnston, September 2000.

In designing the reserve areas, consideration was given to:

1. Minimize edge effects to conserved habitat adjacent to existing and future development, where practicable;
2. Provide for adequate habitat linkages between conserved habitats where possible;
3. Identify areas where development compatible with preserve function can be feasibly placed; and
4. Generally consider overall cost of land acquisition (if any), habitat restoration, and habitat management.

At this point in the NCCP reserve design process, the proposed Project is consistent with two of the three reserve designs (Alternative B and C). Because the additional economic and biological resource analysis (Phase II) has not been completed to date for these three alternatives, some assumptions have to be made in regards to the proposed Project's consistency or conflict with the preliminary reserve designs. Based on the information to date, two alternatives have been identified for the City of Rancho Palos Verdes NCCP that do not include reserve areas within the boundaries of the permanent impact areas of the proposed Project. Therefore, it can be stated that the proposed Project could not be in conflict with the overall reserve design goals and objectives since the preliminary analysis has shown that viable reserve designs exist with consideration given to the proposed Project boundaries. This would hold true with or without the Project's use of the UPVA.

- 11P. The plant palette for the restoration areas will be part of the Draft Natural Communities Management Plan which will be subject to review and comment by the USFWS.
- 11Q. The Project will require areas to store and maneuver equipment during construction and during implementation of the restoration plans. The ultimate acreage of restoration will be reviewed and approved by the City and resource agencies and will be field verified by the USFWS prior to this agency's approval of the Applicant's implementation of the sage scrub restoration plan.
- 11R. These comments do not specifically address Volume IV, *Revised Biological Resources Section*. It should be noted, however, that the issues raised in these comments (i.e., access, safety, and hours on the trails) are addressed in Section 5.7 of the EIR, *Land Use and Relevant Planning*, Section 5.10, *Public Health and Safety*, and Section 5.13, *Recreation*. Additionally, these issues were addressed in Volume III, *Response to Comments*.



Any and all modifications to the proposed Project as described in Section 3.0 of the EIR, *Project Description*, will be evaluated by the City of Rancho Palos Verdes in light of CEQA Guidelines Section 15162, *Subsequent EIRs and Negative Declarations*. More specifically, Subsection (a) of this Section of the Guidelines states that a subsequent EIR shall not be prepared for a project unless the lead agency determines one or more of the following:

- “(1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or substantial increase in the severity of previously identified significant effects; or*
- (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted. . . .”*

In the event the City determines that modifications to the Project required by the City or proposed by the Applicant meet the criteria specified in this Section of the CEQA Guidelines (i.e., new significant effects, changes in circumstances, or new important information), then a Subsequent EIR would be prepared which would be subject to all CEQA requirements including public review. Conversely, the City may determine that project modifications do not meet the criteria specified in this Section of CEQA and no further environmental review would be required.

- 11S. This comment does not specifically address Volume IV, *Revised Biological Resources Section*. It should be noted, however, that the issues raised in this comment are noted and will be considered by the City of Rancho Palos Verdes.

#### **Response to Comment No. 12**

*Jeffrey M. Smith, Senior Planner*

Southern California Association of Governments (SCAG)

August 22, 2001

- 12A. SCAG has stated that their comments have not changed from their letter dated March 28, 2001. Refer to Response to Comment No. 19 of Volume III, *Response to Comments*, for a response to the March letter.

**Response to Comment No. 13**

*Terry Roberts, Senior Planner*

State of California, Governor's Office of Planning and Research, State Clearinghouse

August 31, 2001

- 13A. This letter from the State Clearinghouse transmits the only comment letter received from the responding agencies. The letter transmitted is from the California Coastal Commission (August 20, 2001). This letter is included as Comment Letter No. 1.

# **RESPONSES TO ORAL COMMENTS**

## D. RESPONSES TO ORAL COMMENTS

The following individuals commented on the proposed Project at the August 28, 2001 Planning Commission meeting:

- Mike Mohler, Destination Development Corporation
- Alfred Sattler, Political Chair, Sierra Club Palos Verdes South Bay Group
- Jeff Greenwood, Resident of San Pedro
- Joseph Picarelli, Resident
- Don Shults, Resident
- Frank Buzard, Resident
- Rowland Driskell, Resident
- William Tolliffe, Resident
- Ann Shaw, Resident
- Dena Friedson, Resident
- Frank Bescoby, Resident
- Gloria Anderson, Resident
- Lois Larue, Resident
- Barbara Sattler, Resident

Of these 14 commentators, only Alfred Sattler and Barbara Sattler commented specifically on Volume IV, *Revised Biological Resources Section*. The response to their comments on Volume IV is as follows:

### **Response to Comment No. 14**

*Alfred Sattler, Political Chair*

Sierra Club Palos Verdes South Bay Group

- 14A. *Mr. Sattler stated that he was pleased with the directive that includes the condition that the plan reasonably protect important habitat and bird nesting areas. He felt that in order to determine whether this condition has been met the Planning Commission will need to thoroughly review all comments that are submitted for the revised biological section of the EIR. He did not think the Planning Commission could make any responsible decision as to whether this condition has been met until the public comment period for this section of the EIR has been closed. He felt that many of the mitigation measures proposed in the EIR are inadequate and unsubstantiated, and despite developer claims, impacts to habitat from this project will be severe.*

Volume IV, *Revised Biological Resources Section*, was submitted to the Planning Commission for their review on August 1, 2001. Volume IV was also subject to a 30-day review period which occurred from August 1, 2001 to August 30, 2001. All comments received by the City during this public review period are contained within

this document (Volume V). A response is provided for each comment raising significant biological resource issues. Upon completion, this document will be submitted to the Planning Commission for their review.

Further comments are noted and will be considered by the City of Rancho Palos Verdes.

**Response to Comment No. 15**

*Barbara Sattler, Resident*

- 15A. *Ms. Sattler asked the Commissioners to give careful review to the biological section of the EIR. She also asked that the Commissioners carefully review all comments received regarding that section. She stated she had come across a letter from California Water Service stating that the increased development in the area would require the addition of a storage tank of 5 million gallons of water which would require a site of 1 to 2 acres with a tank approximately 35 feet high and 130 – 150 feet in diameter. She stated she did not see this tank anywhere on the plans and has not heard it addressed by anyone.*

Volume IV, *Revised Biological Resources Section*, was submitted to the Planning Commission for their review on August 1, 2001. Volume IV was also subject to a 30-day review period which occurred from August 1, 2001 to August 30, 2001. All comments received by the City during this public review period are contained within this document (Volume V). A response is provided for each comment raising significant biological resource issues. Upon completion, this document will be submitted to the Planning Commission for their review.

The issue raised regarding the water tank was addressed in Section 5.11 of the EIR, *Public Services and Utilities*, and in Volume III, *Response to Comments*, Response No. 314.